

ESTTA Tracking number: **ESTTA101077**

Filing date: **09/26/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|------------------------|---|
| Proceeding | 91165809 |
| Party | Defendant Nalge Nunc International Corporation Nalge Nunc International Corporation 75 Panorama Creek Drive Rochester, NY 146020365 |
| Correspondence Address | DONALD F. FREI WOOD, HERRON & EVANS, L.L.P. 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202-2917 |
| Submission | Defendant's Notice of Reliance |
| Filer's Name | Brett A. Schatz |
| Filer's e-mail | bschatz@whepatent.com,sgraber@whepatent.com,afreeman@whepatent.com,l aw@clemcheng.com |
| Signature | /Brett A. Schatz/ |
| Date | 09/26/2006 |
| Attachments | Notice of Reliance-Registrations.pdf (5 pages)(148588 bytes) NOR-Reg-Attachment1.pdf (31 pages)(1003701 bytes) NOR-Reg-Attachment2.pdf (31 pages)(1773615 bytes) |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | | |
|---|---|-------------------------|
| <u>In re Application, Serial No. 76/572,253</u> |) | |
| TriForest Enterprises, Inc. |) | |
| |) | Opposition No. 91165809 |
| Opposer, |) | |
| v. |) | |
| |) | |
| Nalge Nunc International Corporation |) | |
| |) | |
| Applicant-Respondent. |) | |
| _____ |) | |

Commissioner for Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

**APPLICANT NALGE NUNC INTERNATIONAL CORPORATION'S
NOTICE OF RELIANCE ON THIRD PARTY DESIGN PATENTS AND
TRADEMARK REGISTRATIONS**

Applicant Nalge Nunc International Corporation hereby provides notice of its reliance upon third party design patents and trademark registrations, as listed below. Each of the design patents and trademark registrations are directed to bottles and containers that may contain liquid.

The existence of the listed design patents demonstrates that alternative designs for bottles and containers for containing liquid are available to competitors. *See Bonito Boats, Inc. v. Thunder Craft Boats, Inc.*, 489 U.S. 141, 148, 109 S. Ct. 971 (1989) ("To qualify for protection, a design must present an aesthetically pleasing appearance that is not dictated by function alone ..."); *see also L.A. Gear, Inc. v. Thom McAn Shoe Co.*, 988 F.2d 1117, 1123 (Fed. Cir.), *cert. denied*, 510 U.S. 908, 114 S. Ct. 291 (1993) (a design is not dictated solely by function when

alternate designs for the article of manufacture are available). That is because the bottle designs are directed to their ornamental features, not function. *Id.* Had the bottle designs been directed to function, rendering alternative designs unavailable, the design patents would not have issued. *Id.*

With respect to the trademark registrations listed below, it is black letter law that a trademark registration may not be issued if the putative registration is de jure functional. *In re Morton-Norwich Prods., Inc.*, 671 F.2d 1332, 1337 (C.C.P.A. 1982). Therefore, the existence of numerous trademark registrations for bottles and containers that may contain liquid, examples of which are listed below, demonstrates that bottles designed for containing liquid are not de jure functional. Otherwise stated, the fact that a bottle is designed to contain liquid does not demonstrate de jure functionality.

Further, the Trademark Office's decision to issue the registrations for the bottles designed to contain liquid listed below demonstrates that the Trademark Office has already concluded that competitors have available to them alternate designs beyond those for which registrations have been issued. Otherwise, the registrations would not have issued in the first instance. *Id.*

**THIRD PARTY DESIGN
PATENTS AND
TRADEMARK
REGISTRATIONS**

EXHIBIT NO.

Design Patents

| | |
|----|------------|
| 1 | D489,992 S |
| 2 | D353,771 |
| 3 | D461,410 S |
| 4 | D402,893 |
| 5 | D352,004 |
| 6 | D489,620 S |
| 7 | D200,362 |
| 8 | D391,485 |
| 9 | D506,135 S |
| 10 | D357,418 |
| 11 | D437,559 S |

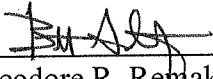
Trademark Registrations

| | |
|----|------------------|
| 12 | <u>1,776,570</u> |
| 13 | <u>2,911,918</u> |
| 14 | <u>2,181,774</u> |
| 15 | <u>2,409,809</u> |
| 16 | <u>2,970,791</u> |
| 17 | <u>2,860,078</u> |
| 18 | <u>3,036,891</u> |
| 19 | <u>2,808,073</u> |
| 20 | <u>2,953,774</u> |
| 21 | <u>2,617,158</u> |
| 22 | <u>2,273,300</u> |
| 23 | <u>2,491,602</u> |

A copy of each of the third party design patents and trademark registrations is attached hereto, as Exhibits 1 – 23.

Respectfully submitted,

Dated: September 26, 2006




Theodore R. Repaklus, Esq.
Brett A. Schatz, Esq.
Sarah Otte Graber, Esq.
WOOD, HERRON & EVANS, L.L.P.
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(513) 241-2324
Attorneys for Applicant
Nalge Nunc International Corporation

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically to the United States Patent and Trademark Office, Trademark Trial and Appeal Board on the date shown below.

Date: September 26, 2006



Anita L. Freeman

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **APPLICANT NALGE NUNC INTERNATIONAL CORPORATION'S NOTICE OF RELIANCE ON THIRD PARTY REGISTRATIONS** was served by e-file copy and by Federal Express, Two-Day Delivery, upon counsel for Opposer TriForest Enterprises, Inc., Clement Cheng, Esq., Law Offices of Clement Cheng, 17220 Newhope Street, Suite 127, Fountain Valley, California 92708, on this 26th day of September, 2006.

Dated: September 26, 2006





US00D489992S

(12) **United States Design Patent** (10) Patent No.: **US D489,992 S**
Brauner et al. (45) Date of Patent: **** *May 18, 2004**

(54) **BOTTLE**

(75) Inventors: **Arne H. Brauner**, Minnetonka, MN
(US); **Karen E. McClure**, Plymouth,
MN (US)

(73) Assignee: **8th Continent, LLC**, Minnetonka, MN
(US)

(*) Notice: This patent is subject to a terminal disclaimer.

(**) Term: **14 Years**

(21) Appl. No.: **29/154,182**

(22) Filed: **Jan. 18, 2002**

(51) **LOC (7) Cl.** **09-01**

(52) **U.S. Cl.** **D9/539**

(58) **Field of Search** D9/500, 502, 503,
D9/519, 530, 537, 549, 556, 557, 559,
574, 499; 206/527; 215/200, 235, 316,
329, 400, 382; 220/200, 260, 288, 289,
890

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| D23,380 S | 6/1894 | Juhring |
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| D48,160 S | 11/1915 | Samuelson |
| D54,241 S | 12/1919 | Christian |
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| D88,099 S | 10/1932 | Lehman |
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(List continued on next page.)

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Thomson & Thomson, Feb. 6, 2001, *Trademark Research Report*.

Primary Examiner—Philip S. Hyder

Assistant Examiner—Daniel Bui

(74) *Attorney, Agent, or Firm*—Schwegman, Lundberg,
Woessner & Kluth, P.A.

(57) **CLAIM**

The ornamental design for a bottle, as shown and described.

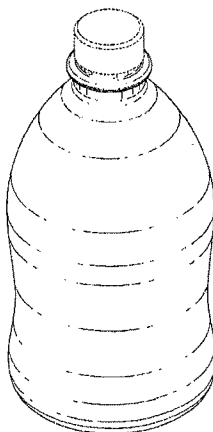
DESCRIPTION

FIG. 1 is a front isometric of a bottle in accordance with the invention.

FIG. 2 is a front elevation of the bottle of FIG. 1; and,
FIG. 3 is a top plan of the bottle of FIG. 1.

The sides that cannot be seen in the Figures are identical to those shown in the drawing. The bottom does not form a part of the design.

1 Claim, 3 Drawing Sheets



US D489,992 S

Page 2

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| D407,649 S | 4/1999 | McCallister et al. | D9/520 | D432,022 S | 10/2000 | Meeker et al. | |
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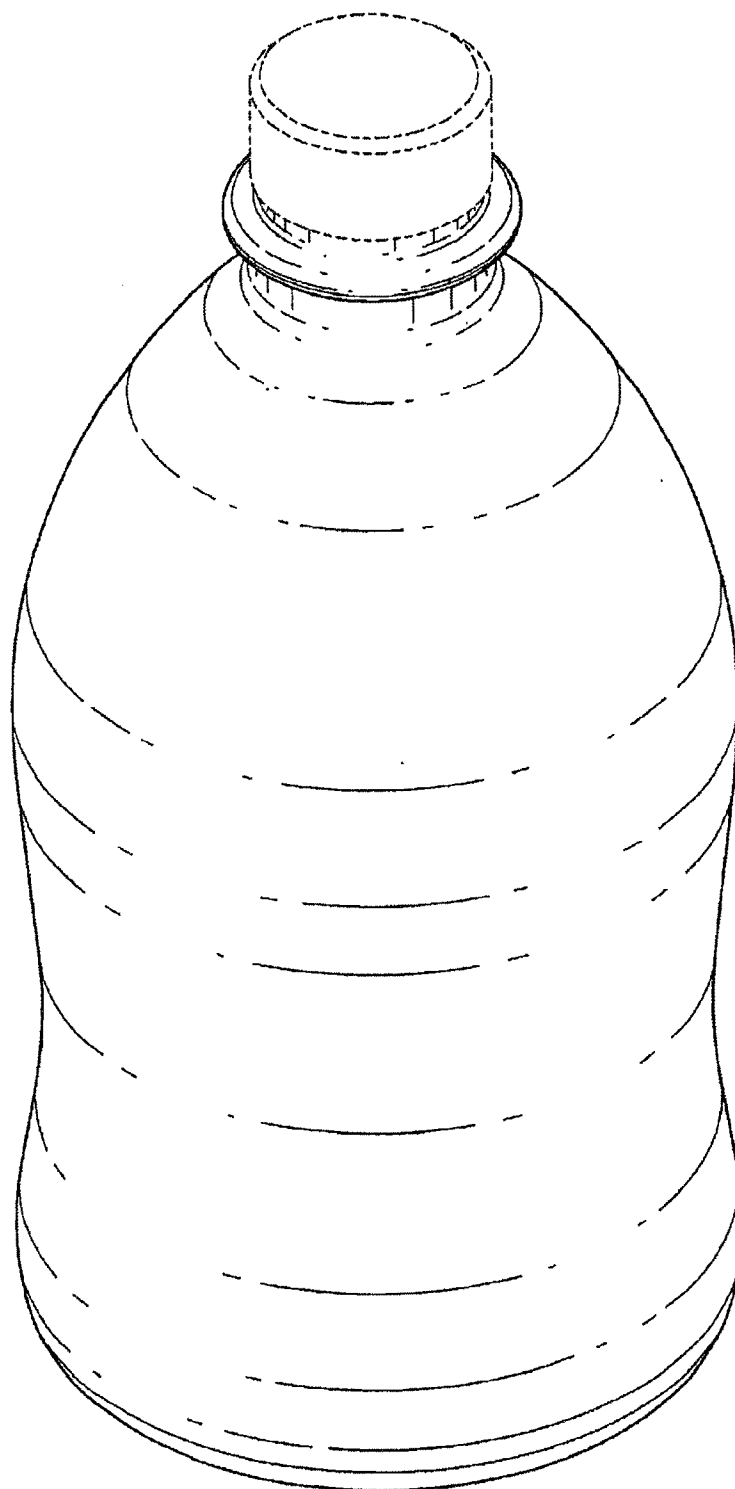


Fig. 1

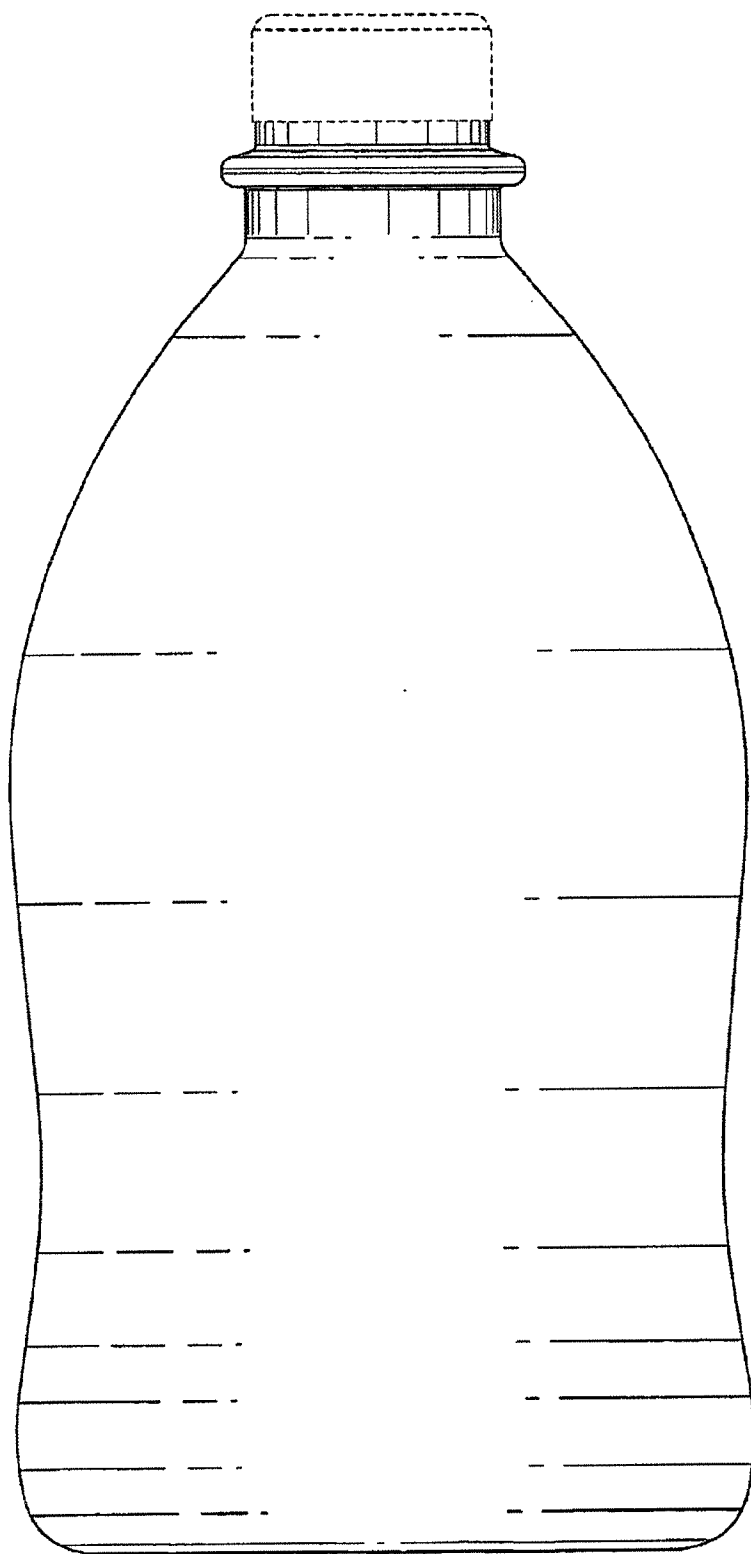


Fig. 2

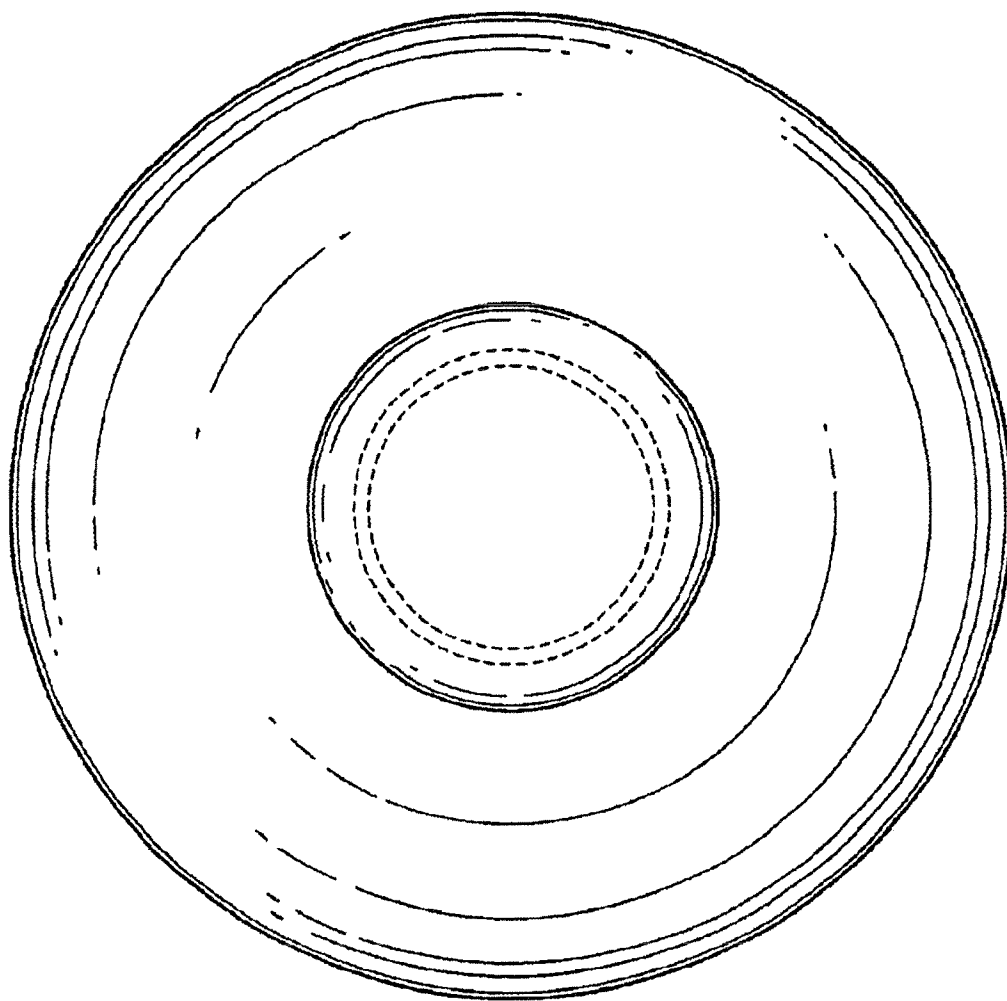


Fig. 3

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : Des. 489,992 S
DATED : May 18, 2004
INVENTOR(S) : Brauner et al.

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title page,

Item [57], **CLAIM,**

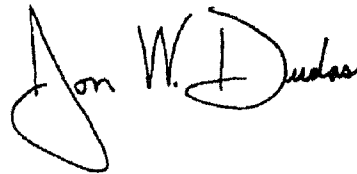
Line 1, delete "bottle," and insert -- Bottle --, therefor.

DESCRIPTION,

Line 3, delete "; and," and insert -- . --, therefor.

Signed and Sealed this

Fifth Day of October, 2004

A handwritten signature in black ink, appearing to read "Jon W. Dudas", written over a horizontal line.

JON W. DUDAS
Director of the United States Patent and Trademark Office



US00D353771S

United States Patent [19]

Klitsner

[11] Patent Number: Des. 353,771

[45] Date of Patent: ** Dec. 27, 1994

[54] BOTTLE

[75] Inventor: Daniel Klitsner, Oakland, Calif.

[73] Assignee: Golden Brand Bottling Co., Inc., San Francisco, Calif.

[**] Term: 14 Years

[21] Appl. No.: 7,535

[22] Filed: Apr. 26, 1993

[52] U.S. Cl. D9/500; D9/503

[58] Field of Search D9/500, 503, 504, 505,
D9/558, 545; 215/1 R, 1 C

[56] References Cited

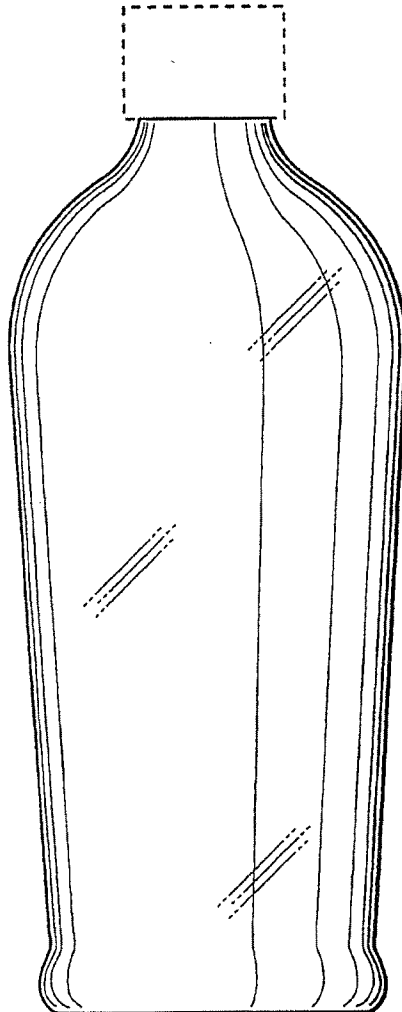
U.S. PATENT DOCUMENTS

D. 24,182 4/1895 Kilian D9/500
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D. 222,529 11/1971 Turner D9/500
D. 272,990 3/1984 Strand D9/500
2,684,167 7/1954 Bruns 215/6*Primary Examiner*—Lucy J. Lieberman
Attorney, Agent, or Firm—Owen, Wickersham &
Erickson

[57] CLAIM

The ornamental design for the bottle, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of my new design;
FIG. 2 is a side elevational view thereof and is the same
from all sides as it is symmetrical about its central axis;
FIG. 3 is a top view thereof; and,
FIG. 4 is a bottom view thereof.

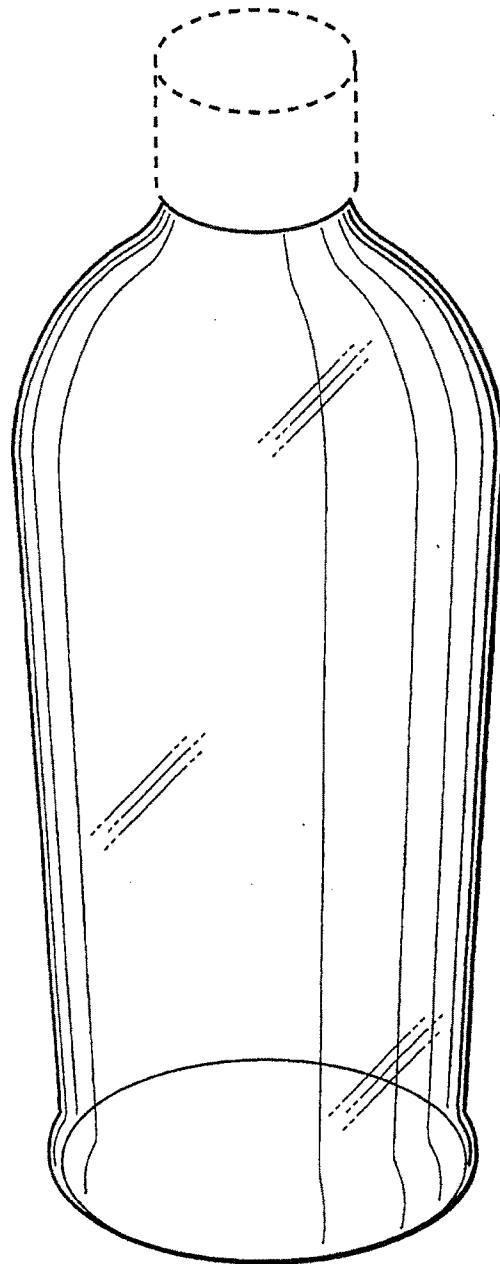


FIG. 1

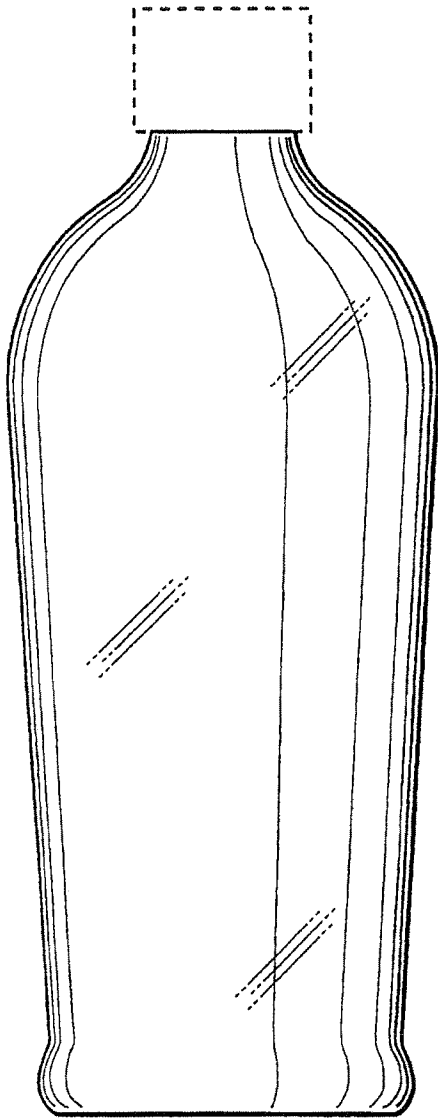


FIG._2

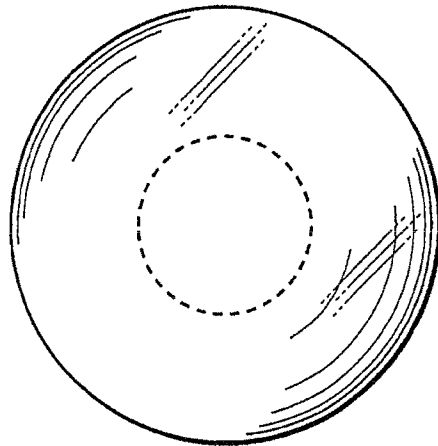


FIG._3

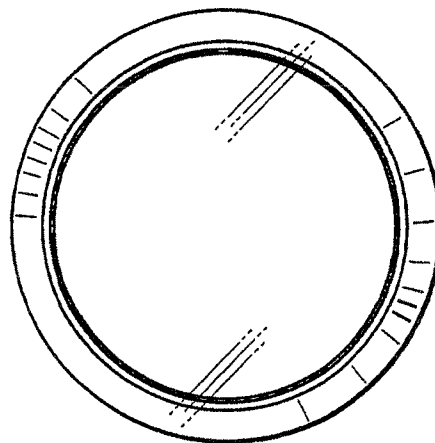


FIG._4



US00D461410S

(12) **United States Design Patent** (10) Patent No.: **US D461,410 S**
Zutler (45) Date of Patent: **** *Aug. 13, 2002**

(54) **BOTTLE**

(76) Inventor: **David M. Zutler**, P.O. Box 2812,
Telluride, CO (US) 81435

(*) Notice: This patent is subject to a terminal disclaimer.

(**) Term: **14 Years**

(21) Appl. No.: **29/136,537**

(22) Filed: **Jan. 31, 2001**

(51) **LOC (7) Cl.** **09-01**

(52) **U.S. Cl.** **D9/500**

(58) **Field of Search** D9/300, 500, 503,
D9/505, 516, 520, 537, 539, 545, 549,
558, 571, 574, 502; 215/381-385, 396,
398, 400, 10, 6

(56) **References Cited**

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D402,893 S * 12/1998 Monaghan D9/500
D414,111 S * 9/1999 Herrmann D9/503
D416,800 S * 11/1999 Herrmann D9/500

* cited by examiner

Primary Examiner—Ted Shooman

Assistant Examiner—Carol Rademaker

(74) *Attorney, Agent, or Firm*—Sheridan Ross P.C.

(57) **CLAIM**

The ornamental design for a bottle, as shown and described.

DESCRIPTION

FIG. 1 is a front elevation view of a bottle, showing my new design;

FIG. 2 is a side view of the bottle illustrated in FIG. 1;

FIG. 3 is a side view of the bottle illustrated in FIG. 1;

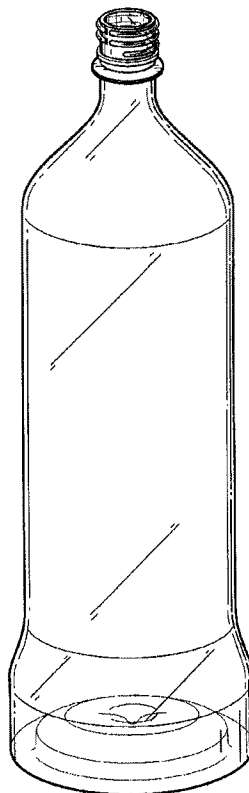
FIG. 4 is a side view of the bottle illustrated in FIG. 1;

FIG. 5 is a side view of the bottle illustrated in FIG. 1;

FIG. 6 is a top plan view of the bottle illustrated in FIG. 1; and,

FIG. 7 is a bottom plan view of the bottle illustrated in FIG. 1.

1 Claim, 4 Drawing Sheets



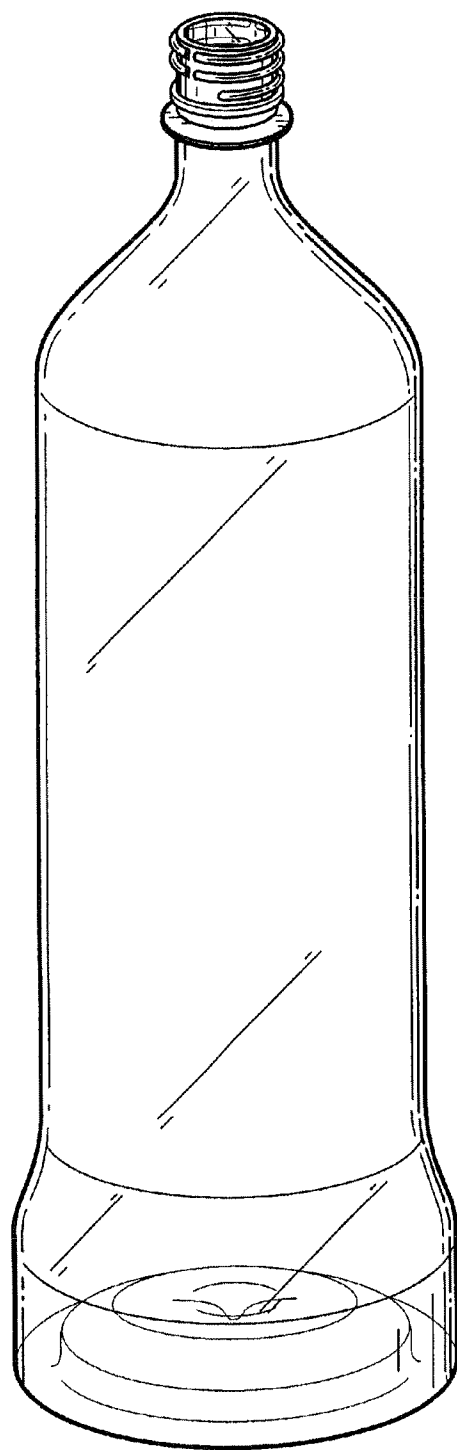


FIG.1

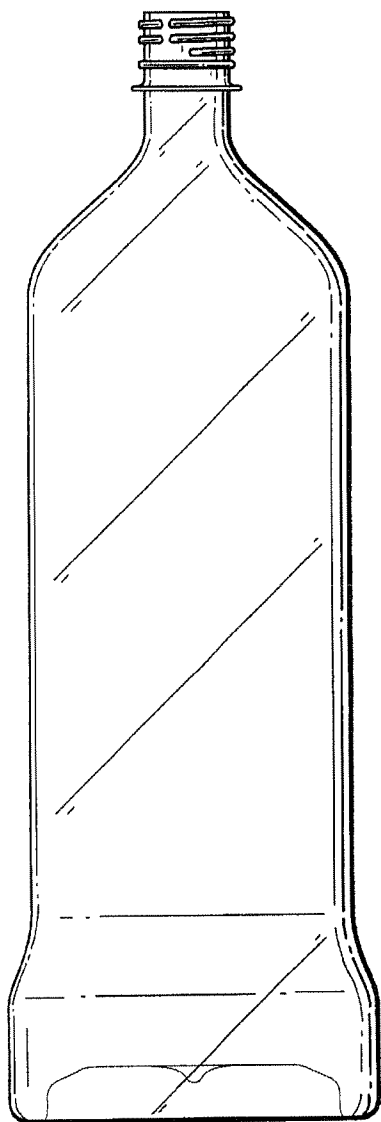


FIG.2

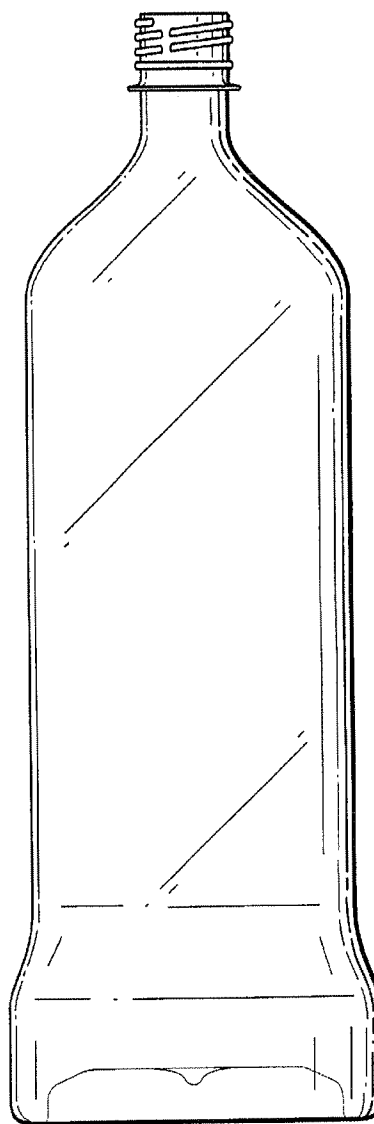


FIG.3

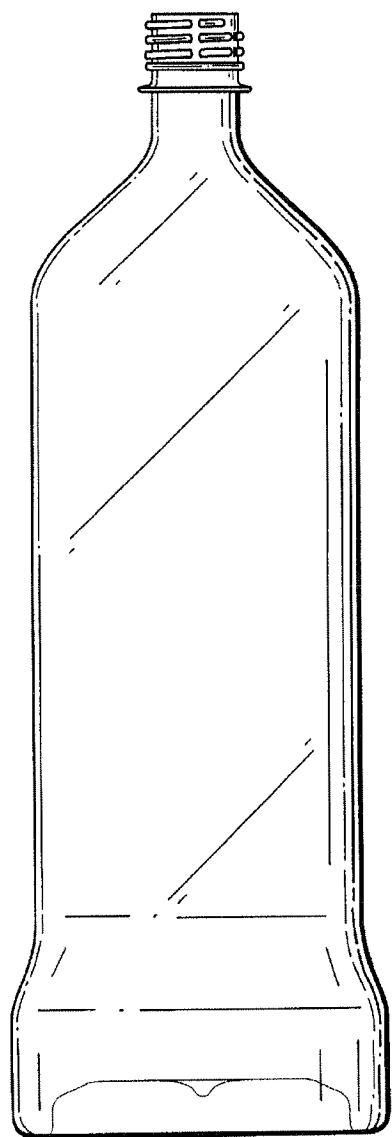


FIG.4

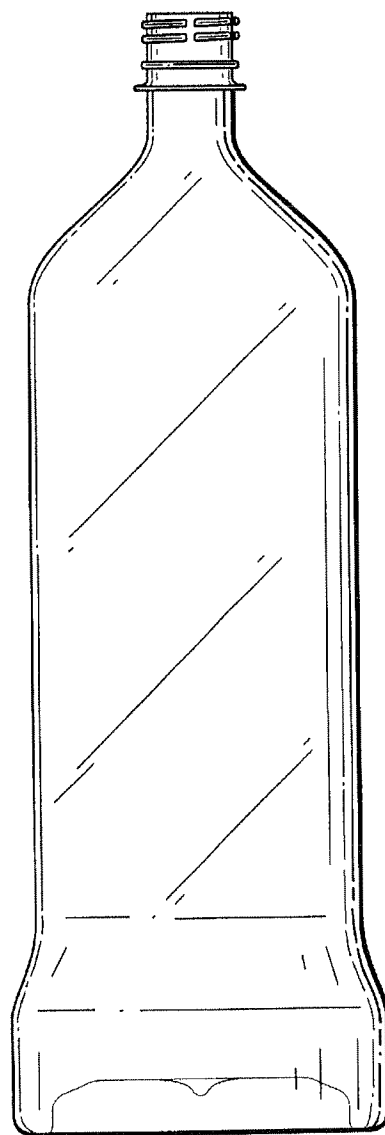


FIG.5

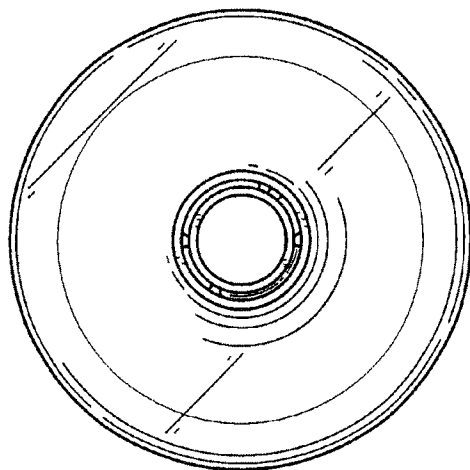


FIG. 6

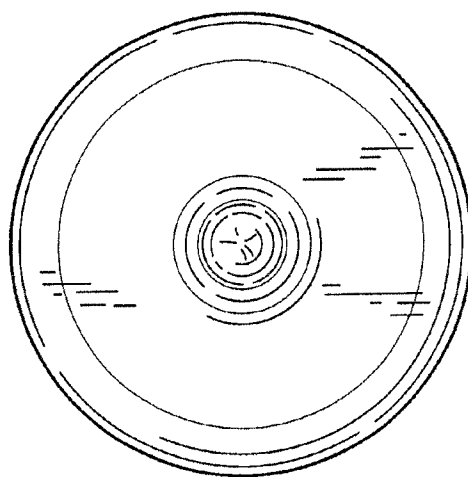


FIG. 7



US00D402893S

United States Patent [19]
Monaghan

[11] **Patent Number:** **Des. 402,893**
[45] **Date of Patent:** ****Dec. 22, 1998**

[54] **BOTTLE**

[75] **Inventor:** **Robert Monaghan**, London, United Kingdom

[73] **Assignee:** **Reckitt & Colman Products Limited**, London, United Kingdom

[**] **Term:** **14 Years**

[21] **Appl. No.:** **65,209**

[22] **Filed:** **Jan. 23, 1997**

[30] **Foreign Application Priority Data**

Aug. 10, 1996 [GB] United Kingdom 2058400
Aug. 10, 1996 [GB] United Kingdom 2058401

[51] **LOC (6) Cl.** **09-01**

[52] **U.S. Cl.** **D9/500**

[58] **Field of Search** D9/500, 503, 504,
D9/505, 545, 539, 538; 215/382, 383, 384

[56] **References Cited**

U.S. PATENT DOCUMENTS

D. 25,943 8/1896 Jenkins D9/545
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D. 198,054 4/1964 Lowry D9/545 X
D. 222,529 11/1971 Turner D9/500

D. 286,614 11/1986 Melville D9/504
D. 295,372 4/1988 Klette et al. D9/500
D. 353,771 12/1994 Klitsner D9/500
3,331,521 7/1967 Paige 215/382

Primary Examiner—Lucy Lieberman
Attorney, Agent, or Firm—Fish & Richardson P.C.

[57] **CLAIM**

The ornamental design for a bottle, as shown and described.

DESCRIPTION

FIG. 1 is a top, front perspective view of a bottle showing my new design;

FIG. 2 is a bottom plan view thereof;

FIG. 3 is a left side elevation thereof, the rear and right side are the same except for the conventional screw threading on the neck;

FIG. 4 is a top plan view thereof;

FIG. 5 is a top, front perspective view of a second embodiment of the bottle;

FIG. 6 is a bottom plan view thereof;

FIG. 7 is a left side elevation thereof, the rear and right side are the same except for the conventional screw threading on the neck; and,

FIG. 8 is a top plan view thereof.

1 Claim, 4 Drawing Sheets

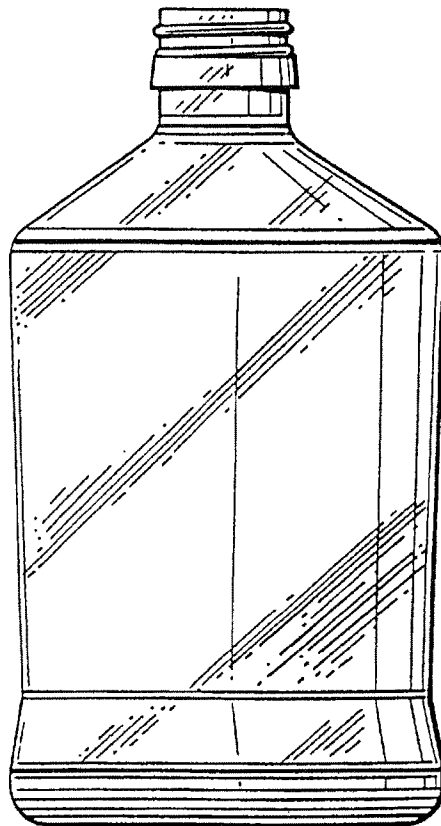


FIG. 1

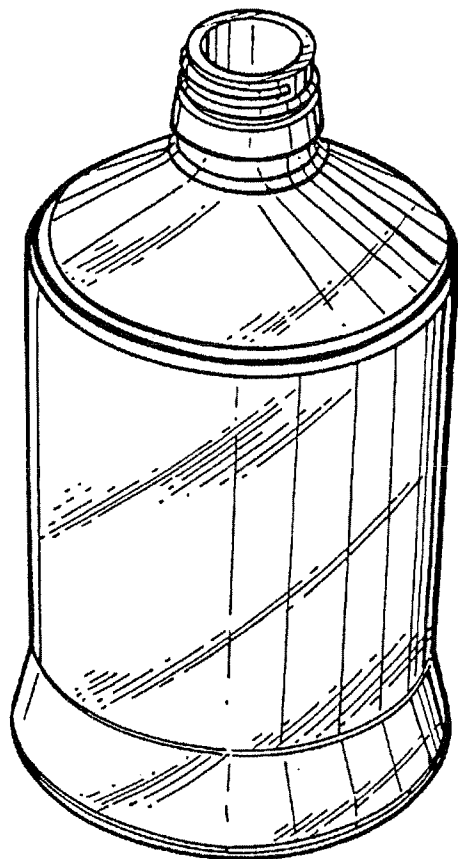


FIG. 2

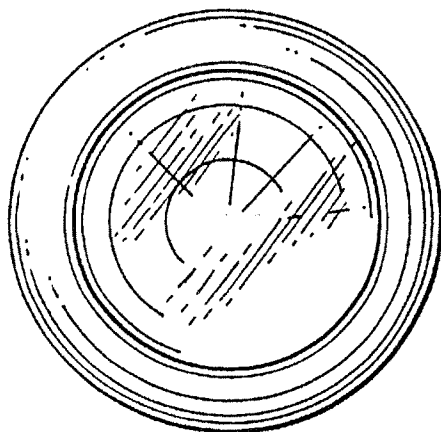


FIG. 3

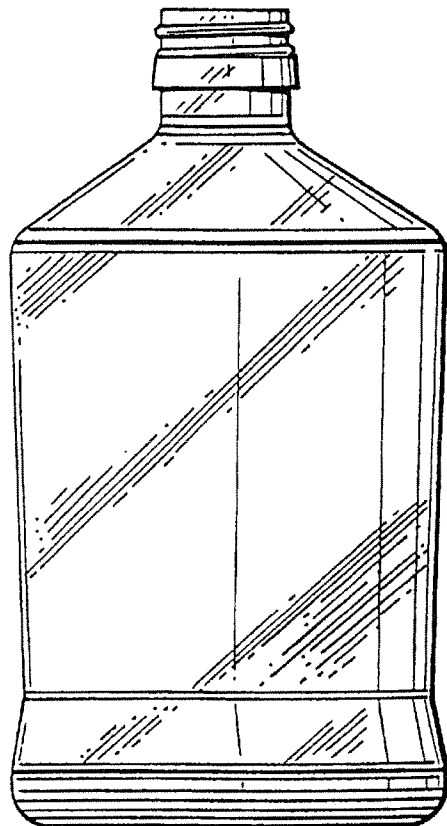


FIG. 4

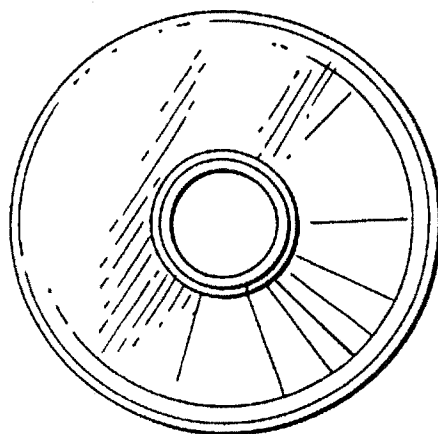


FIG. 5

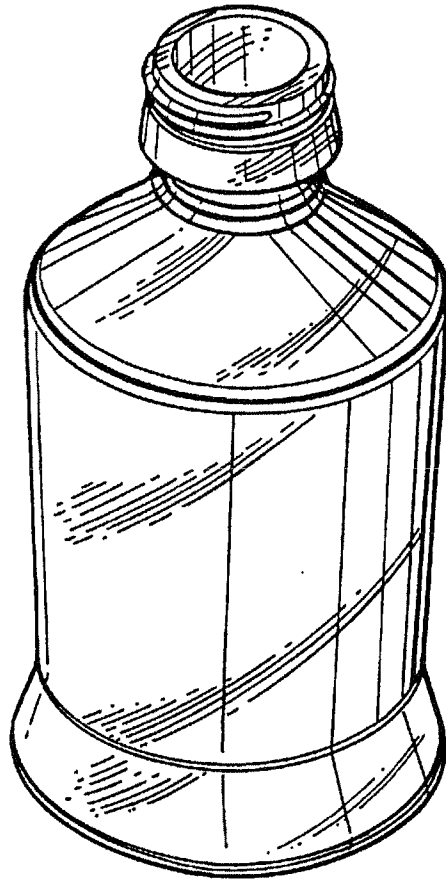


FIG. 6

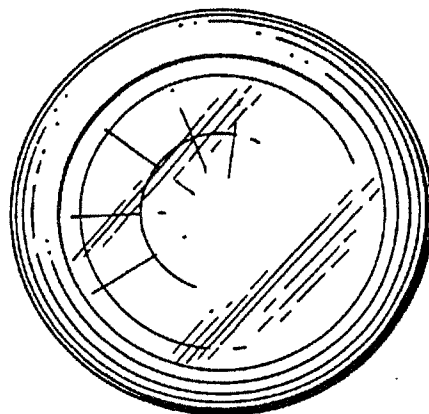


FIG. 7

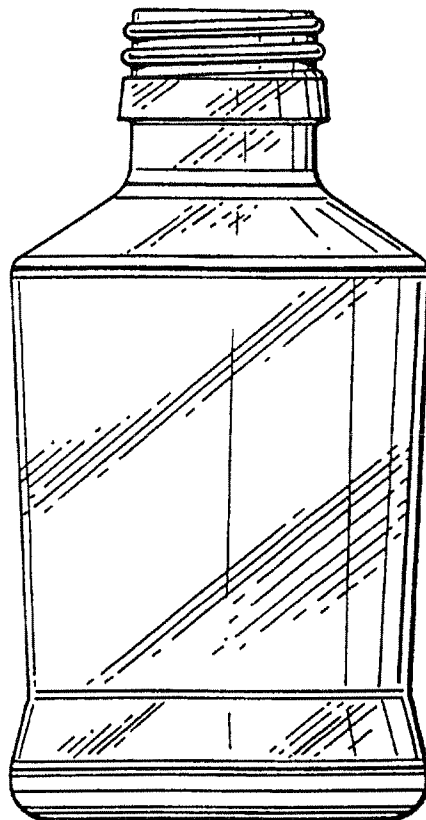
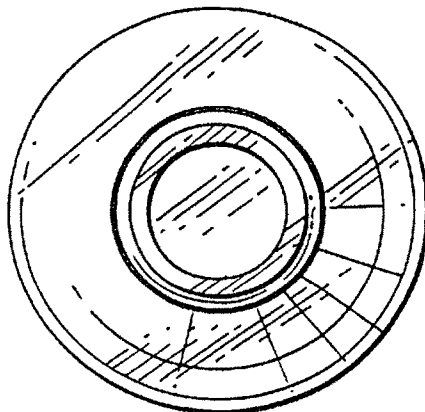


FIG. 8





US00D352004S

United States Patent [19]**Bikoff et al.**[11] **Patent Number: Des. 352,004**[45] **Date of Patent: ** Nov. 1, 1994**[54] **BOTTLE AND CAP**

[76] Inventors: **J. Darius Bikoff**, Sousa Dr., Sands Point, N.Y. 11050; **Philippe Starck**, 3 Rue de la Roquette, 75011, Paris, France

[**] **Term: 14 Years**[21] **Appl. No.: 607,873**[22] **Filed: Nov. 1, 1990**[52] **U.S. Cl. D9/503; D9/443; D9/447**

[58] **Field of Search D9/500-505, D9/558, 300, 338, 435, 443, 447, 449, 436; 215/1 R, 1 C, 295; 222/525, 522, 420**

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Aerosol Age, Jun. 1983, p. 24, Aerosol containers, bottom left photo.

Primary Examiner—Theodore M. Shooman*Assistant Examiner*—Lucy Lieberman*Attorney, Agent, or Firm*—Darby & Darby[57] **CLAIM**

The ornamental design for a bottle and cap, as shown and described.

DESCRIPTION

FIG. 1 is a top perspective view of my new design; FIG. 2 is a front elevation thereof, the rear elevation is the same;

FIG. 3 is a top plan view thereof;

FIG. 4 is a bottom plan view thereof;

FIG. 5 is a right side elevation view, the left elevation side-view being a mirror image of the right side; and,

FIG. 6 is a front elevation of a second embodiment of the bottle and cap, the second embodiment is the same as the first embodiment except that the bottle is transparent, revealing a symmetrically conical flow guide.

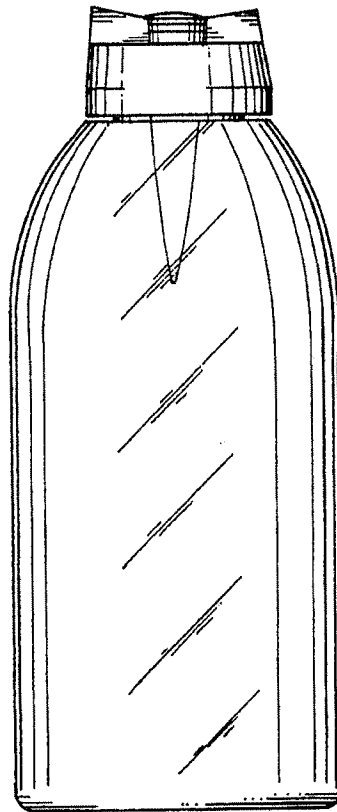


FIG. 1

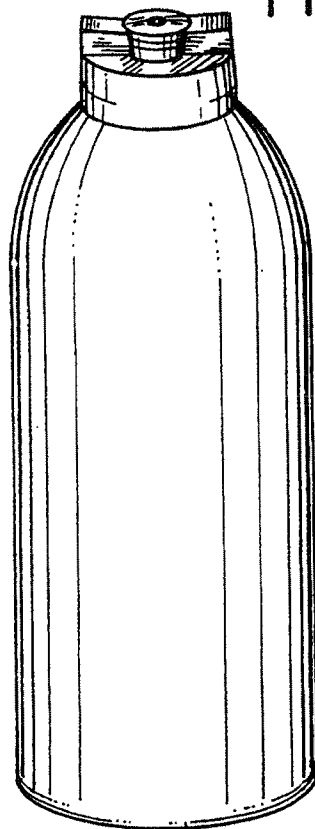


FIG. 2

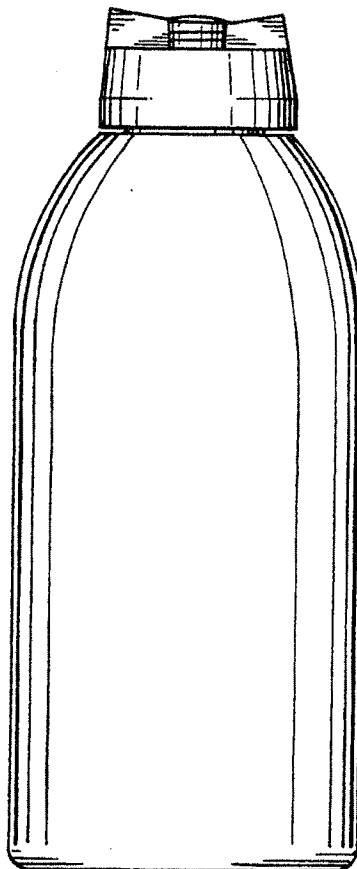


FIG. 3

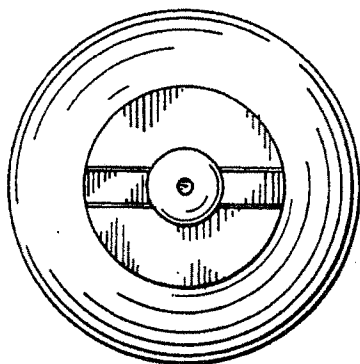


FIG. 4

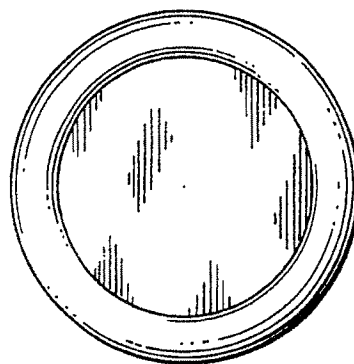


FIG. 5

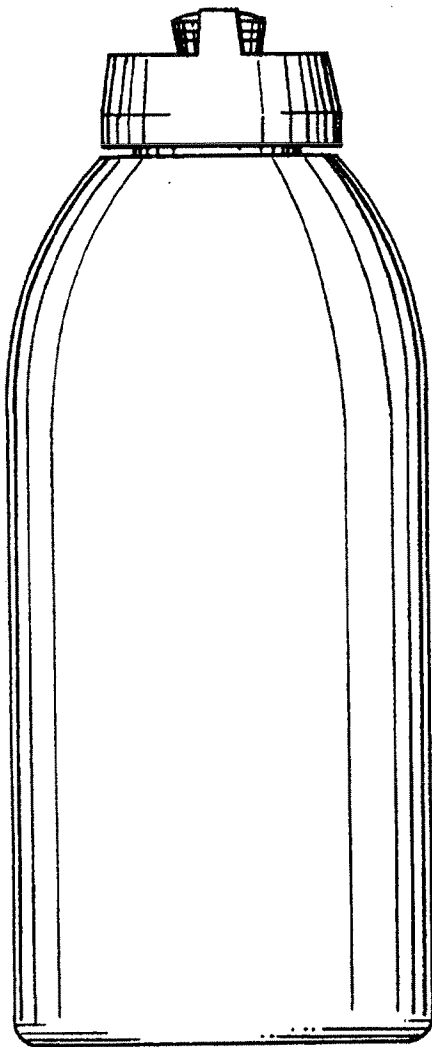
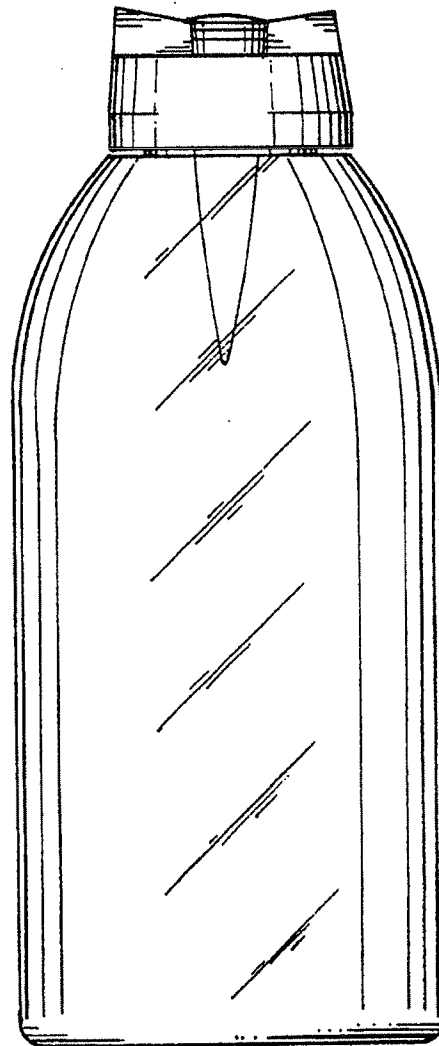


FIG. 6





US00D489620S

(12) **United States Design Patent** (10) **Patent No.:** **US D489,620 S**
Goodell et al. (45) **Date of Patent:** **** May 11, 2004**

(54) **BOTTLE**

(76) Inventors: **Bartlett Goodell**, 391 Rock Rd., Glen
Rock, NJ (US) 07452; **Michael**
Hughes, 3 Hampton Hills Dr., Goshen,
NY (US) 10924

(**) Term: **14 Years**

(21) Appl. No.: **29/172,245**

(22) Filed: **Dec. 9, 2002**

(51) **LOC (7) Cl.** **09-01**

(52) **U.S. Cl.** **D9/503**

(58) **Field of Search** D9/500, 502-504,
D9/516, 530, 537-539, 557-558; 215/381-384,
396, 398, 400; 220/660, 669, 675; 222/210,
212-213

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Primary Examiner—Mitchell Siegel
Assistant Examiner—Carol Rademaker

(57) **CLAIM**

The ornamental design for a bottle, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of our bottle;
FIG. 2 is a front elevational view of our bottle;
FIG. 3 is a top plan view of our bottle; and,
FIG. 4 is a bottom plan view of our bottle.

1 Claim, 3 Drawing Sheets

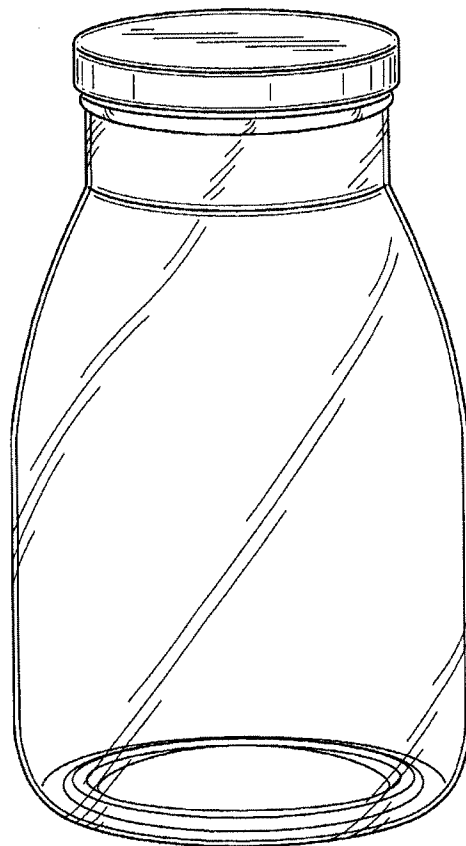


FIG. 1

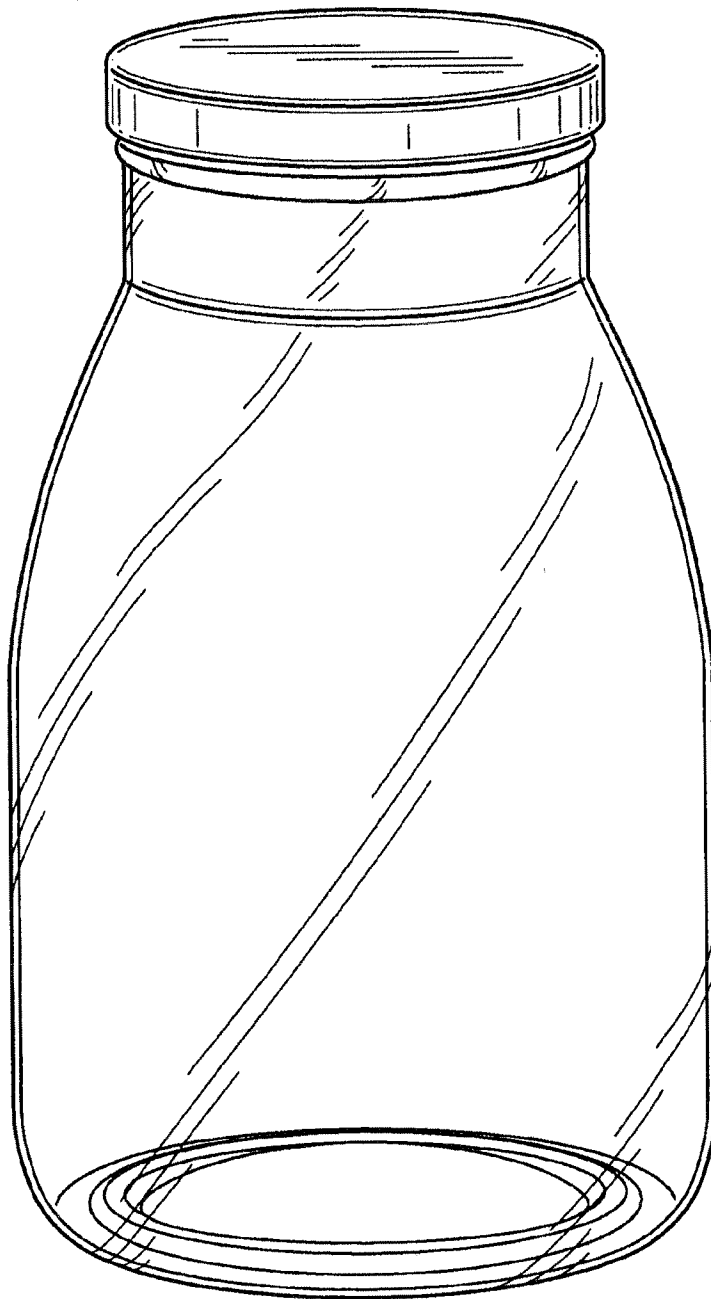


FIG. 2

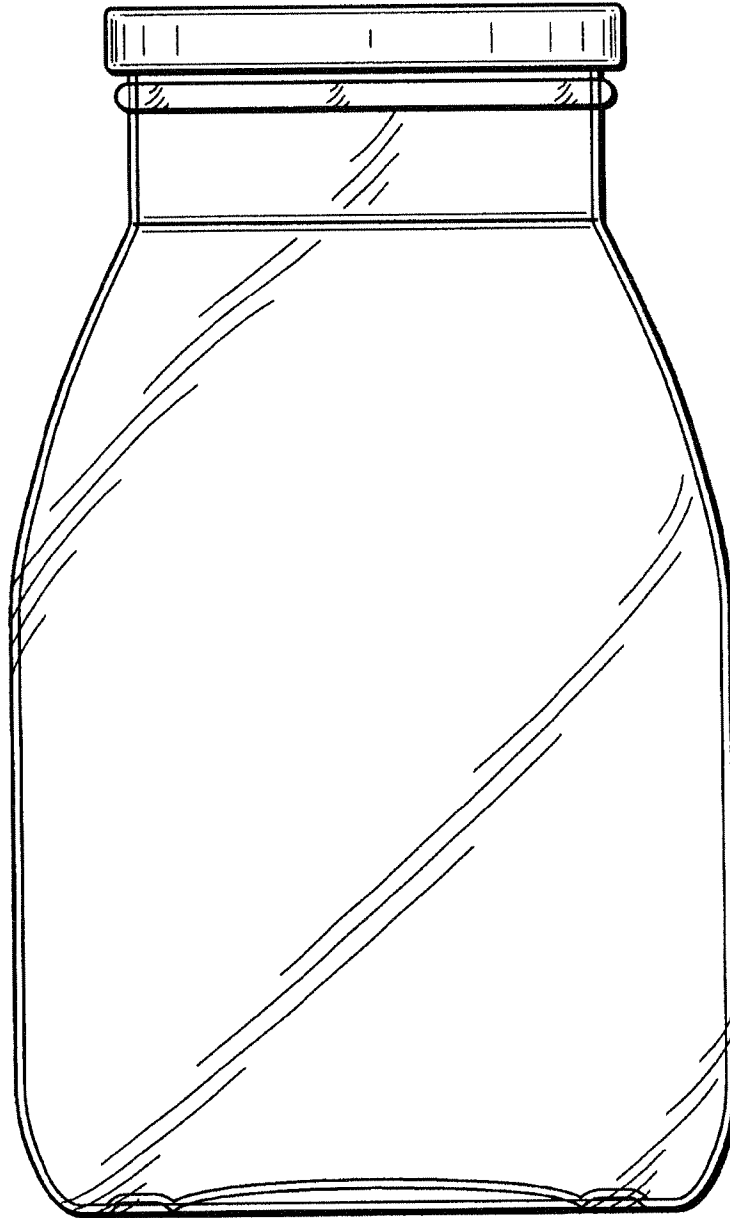


FIG. 3

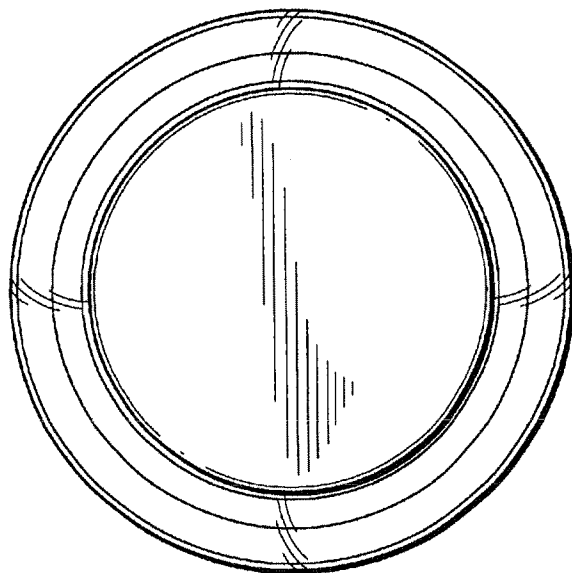
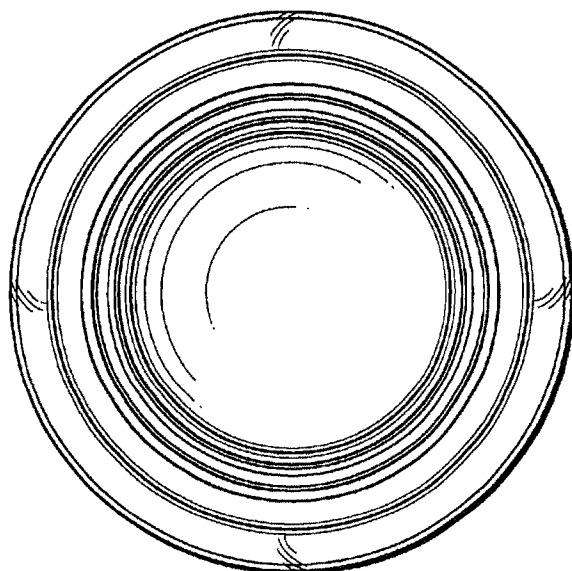


FIG. 4



200,362

COMBINED JAR AND CLOSURE THEREFOR

Melvin O. Nelson, 16004 R. D. Mize Road, Independence, Mo., and Ray O. Neyman, 7200 Pennsylvania St., Kansas City, Mo.

Filed Nov. 29, 1962, Ser. No. 72,651

Term of patent 14 years

(Cl. D58—25)

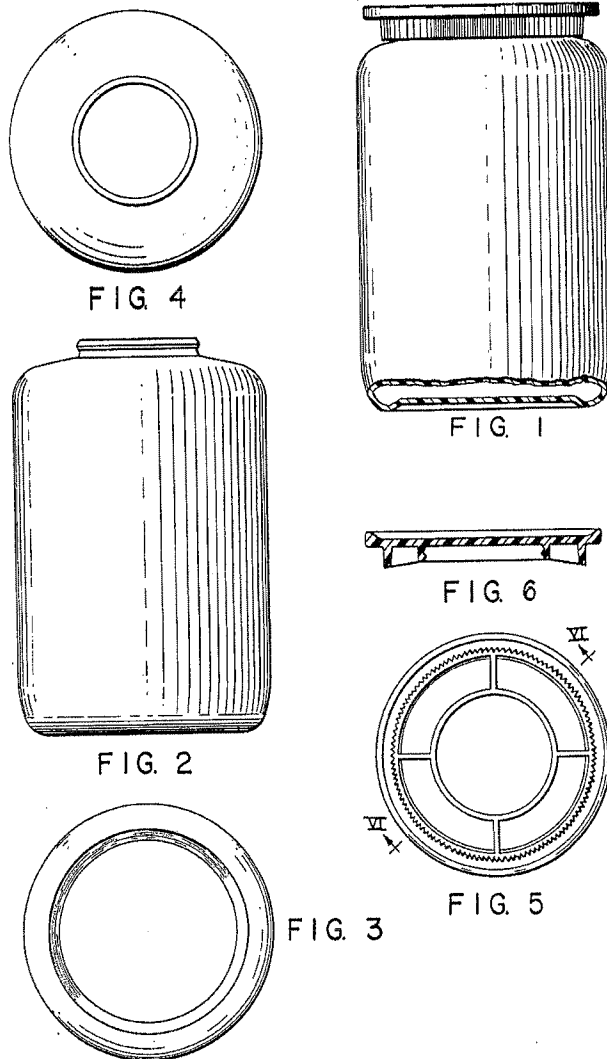


FIG. 1 is an elevational view partially in section of the combined jar and closure showing our new design;

FIG. 2 is a side elevational view of the jar;

FIG. 3 is the bottom plan view thereof;

FIG. 4 is the top plan view thereof;

FIG. 5 is a bottom plan view of the closure; and,

FIG. 6 is a cross sectional view taken on line VI of FIG. 5.

We claim:

The ornamental design for a combined jar and closure therefor, as shown.

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Illinois Glass Co., p. 59, closure top left of page.

EDWIN H. HUNTER, *Primary Examiner.*

JOEL STEARMAN, *Examiner.*



US00D391485S

United States Patent [19]**Biesecker, II et al.**[11] **Patent Number:** **Des. 391,485**[45] **Date of Patent:** ****Mar. 3, 1998**[54] **BOTTLE**[75] **Inventors:** **Frederick N. Biesecker, II, Villanova;**
Gregory Sprishen, Collegeville, both
of Pa.[73] **Assignee:** **Drug Plastics and Glass Company,**
Inc., Boyertown, Pa.[**] **Term:** **14 Years**[21] **Appl. No.:** **60,527**[22] **Filed:** **Sep. 30, 1996**[51] **LOC (6) CL.** **09-01**[52] **U.S. Cl.** **D9/500**[58] **Field of Search** **D9/500, 503, 501,**
D9/504, 505, 545, 520; 215/382, 383, 384[56] **References Cited****U.S. PATENT DOCUMENTS**

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2274443 7/1994 United Kingdom .
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U.S. Trademark Registration No. 1,776,570 dated Jun. 15, 1993.

Primary Examiner—Lucy Lieberman
Attorney, Agent, or Firm—Panitch Schwarze Jacobs & Nadel, P.C.

[57]

CLAIM

The ornamental design for a bottle, as shown and described.

DESCRIPTION

FIG. 1 is a front elevation of a bottle showing our new design, the rear and side elevations are the same except for the conventional screw threading on the bottle neck;
FIG. 2 is a top view thereof; and,
FIG. 3 is a bottom view thereof.

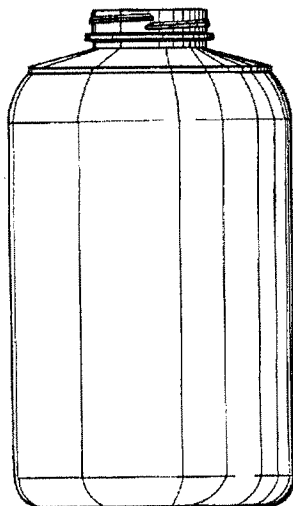
1 Claim, 1 Drawing Sheet

FIG. 1

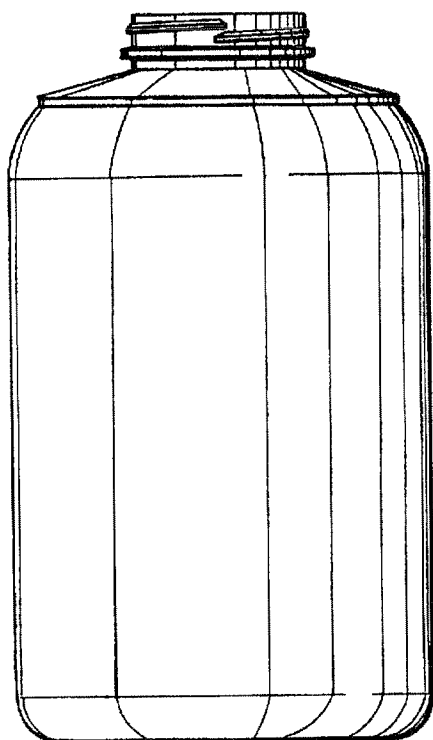


FIG. 2

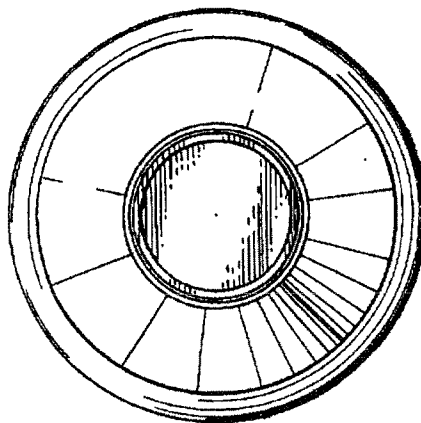
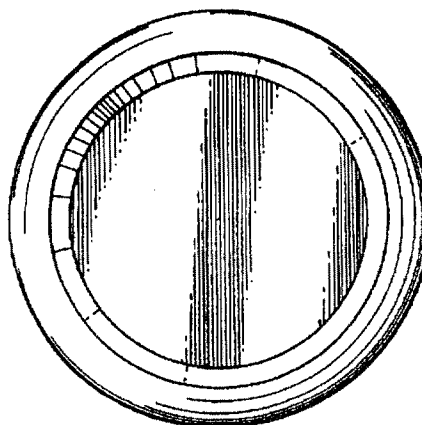


FIG. 3





US00D506135S

(12) **United States Design Patent** (10) Patent No.: **US D506,135 S**
Breier et al. (45) Date of Patent: **** Jun. 14, 2005**

(54) **BOTTLE**

(75) Inventors: **Stephan Breier, Vienna (AT);**
Johannes Scherr, Vienna (AT)

(73) Assignee: **Stock Vital GmbH & Co. KG, Fuschl**
am See (AU)

(**) Term: **14 Years**

(21) Appl. No.: **29/190,858**

(22) Filed: **Sep. 25, 2003**

(51) **LOC (8) Cl.** **09-01**

(52) **U.S. Cl.** **D9/500; D9/502**

(58) **Field of Search** **D9/300, 500, 502-505,**
D9/509, 513, 515-516, 529, 530, 537-540,
544-546, 549, 557-558, 725; 215/121.1-12.2,
381-385, 396, 398, 400

(56) **References Cited**

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Primary Examiner—Carol Rademaker

(74) *Attorney, Agent, or Firm*—TechMark; Martin R.
Greenstein

(57) **CLAIM**

The ornamental design for a bottle, as shown and described.

DESCRIPTION

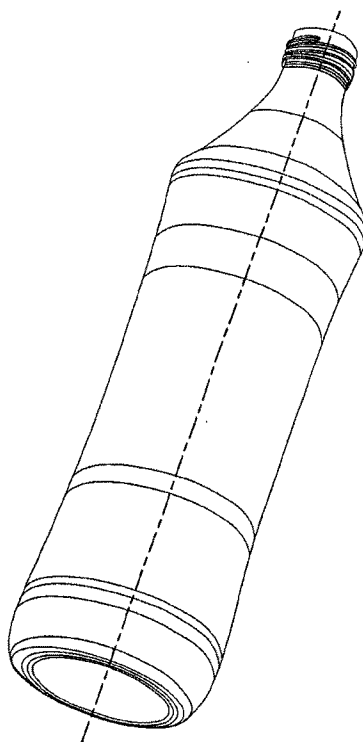
FIG. 1 is a perspective view of the bottle showing our new design;

FIG. 2 is a front elevational view thereof, the rear, right side, and left side being identical except for the threads;

FIG. 3 is a top plan view thereof; and,

FIG. 4 is a bottom plan view thereof.

1 Claim, 1 Drawing Sheet



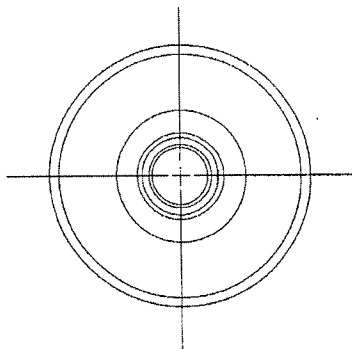
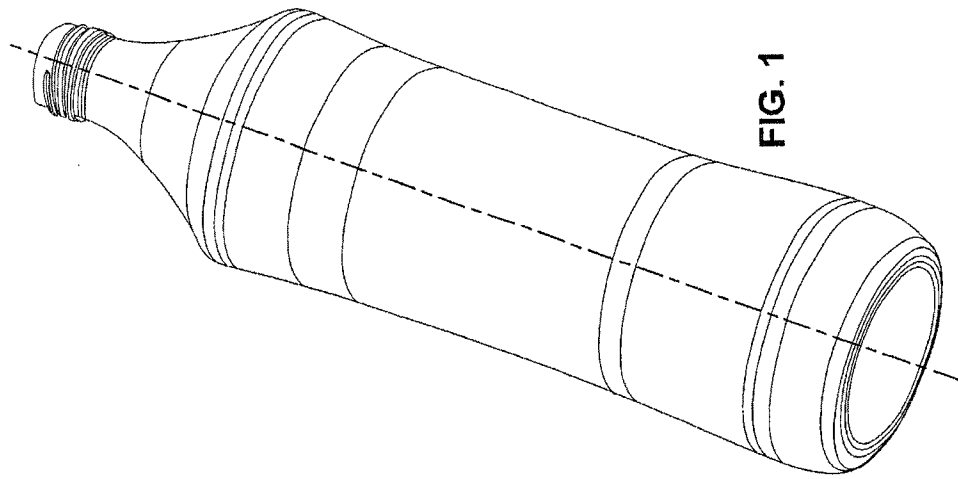


FIG. 3

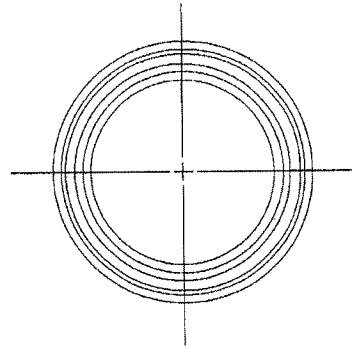


FIG. 4

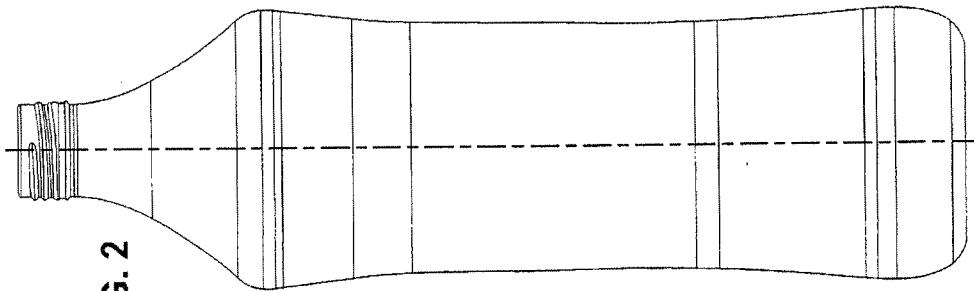


FIG. 2



US00D357418S

United States Patent [19]

Lonczak et al.

[11] Patent Number: Des. 357,418

[45] Date of Patent: ** Apr. 18, 1995

[54] COMBINED BOTTLE AND CAP

[75] Inventors: John Lonczak, Newburgh; Leonard A. Filiz; Kin S. Yan, both of New York; Victor Ivenitsky, Bronx, all of N.Y.

[73] Assignee: Johnson & Johnson Consumer Products, Inc., Skillman, N.J.

[**] Term: 14 Years

[21] Appl. No.: 932,851

[22] Filed: Aug. 20, 1992

[52] U.S. Cl. D9/558; D9/574

[58] Field of Search D9/558, 574, 571, 544,
D9/545, 446, 447, 449; 215/1 R, 1 C, 235;
222/556

[56] References Cited

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Johnson & Johnson Consumer Products, Inc. product Literature entitled "Baby Skin Care" (Apr. 1992) and "Marketing Support/Merchandising" (Oct. 1991).

Primary Examiner—Lucy J. Lieberman

[57] CLAIM

The ornamental design for a combined bottle and cap, as shown and described.

DESCRIPTION

FIG. 1 is a top, front and left side perspective view of a combined bottle and cap showing our new design;
FIG. 2 is a top plan view thereof;
FIG. 3 is a front elevational view thereof;
FIG. 4 is a right side elevational view thereof, the opposite side being a mirror image;
FIG. 5 is a rear elevational view thereof;
FIG. 6 is a bottom plan view thereof; and,
FIG. 7 is a top, front and left side perspective view of a transparent embodiment thereof.

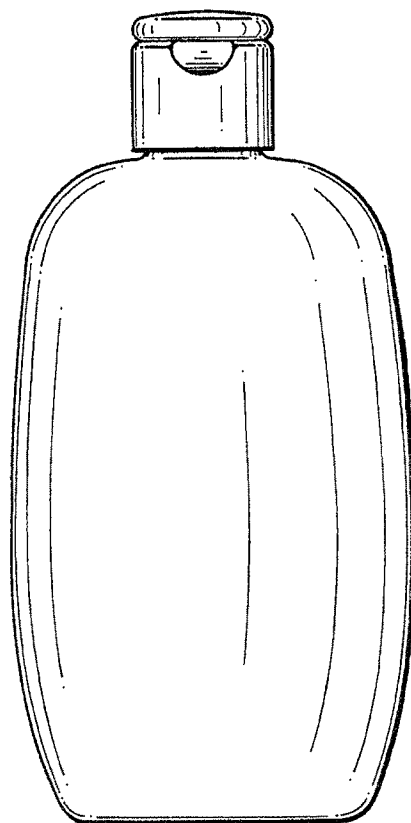


FIG-1

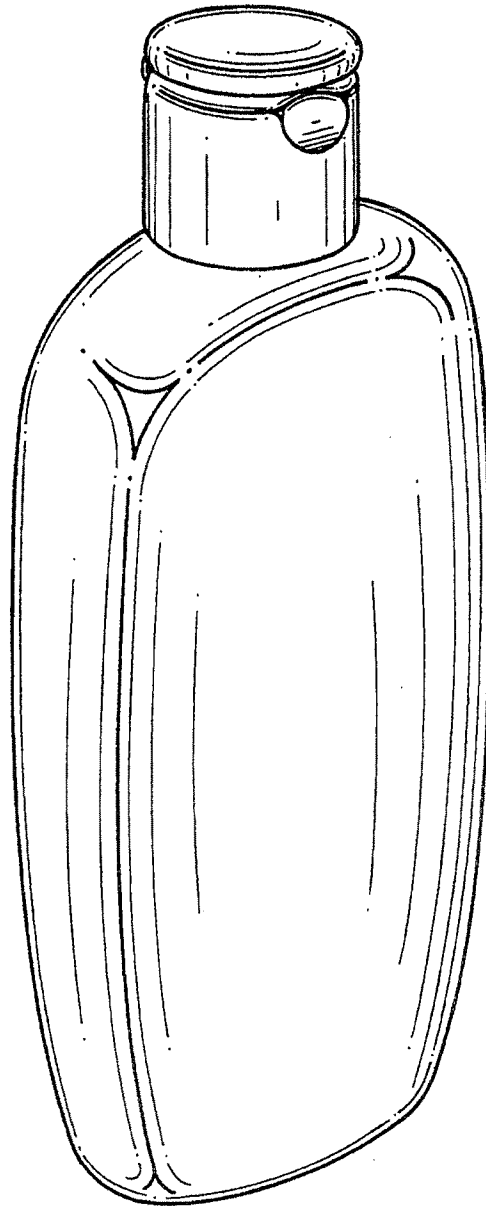


FIG-2

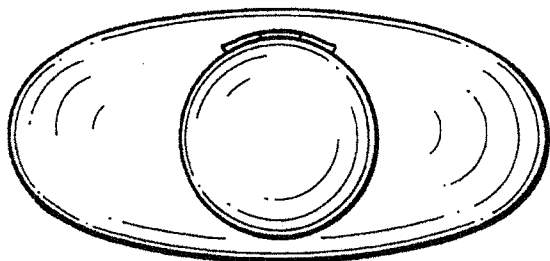


FIG-3

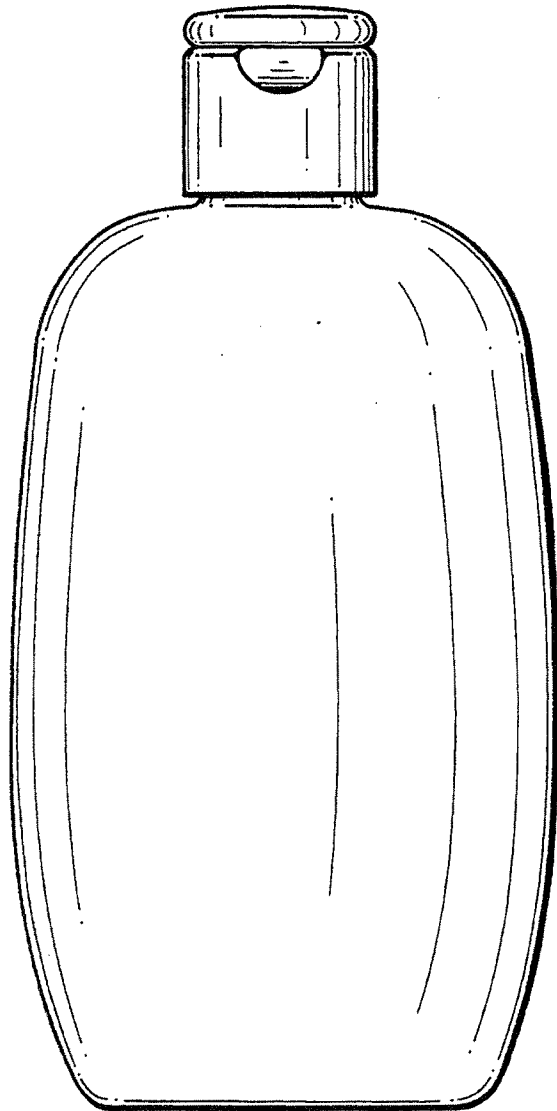


FIG-4

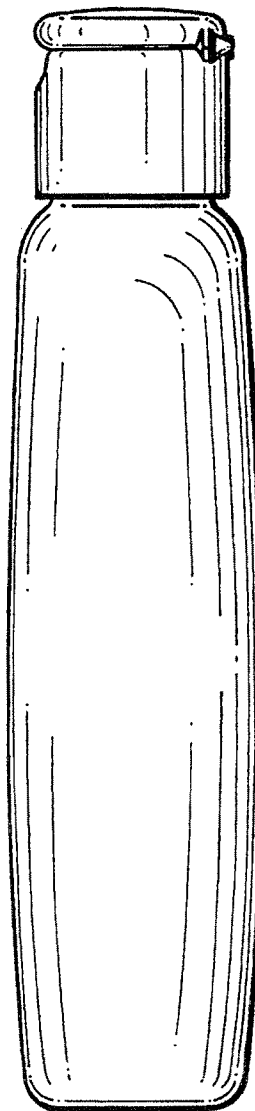


FIG-5

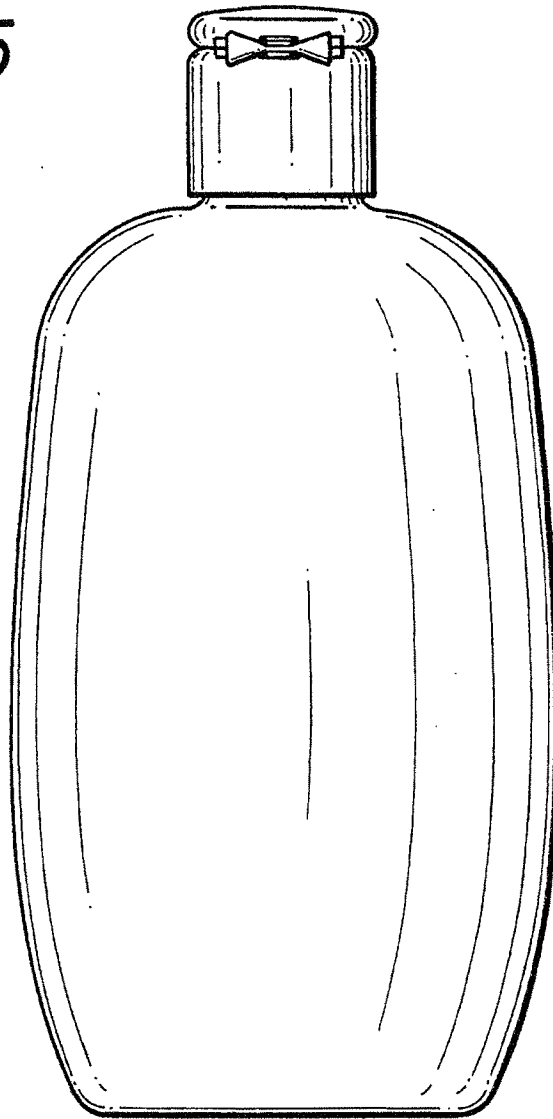


FIG-6

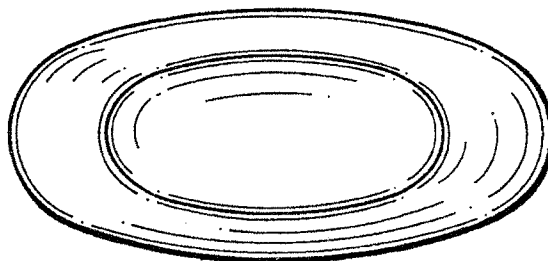
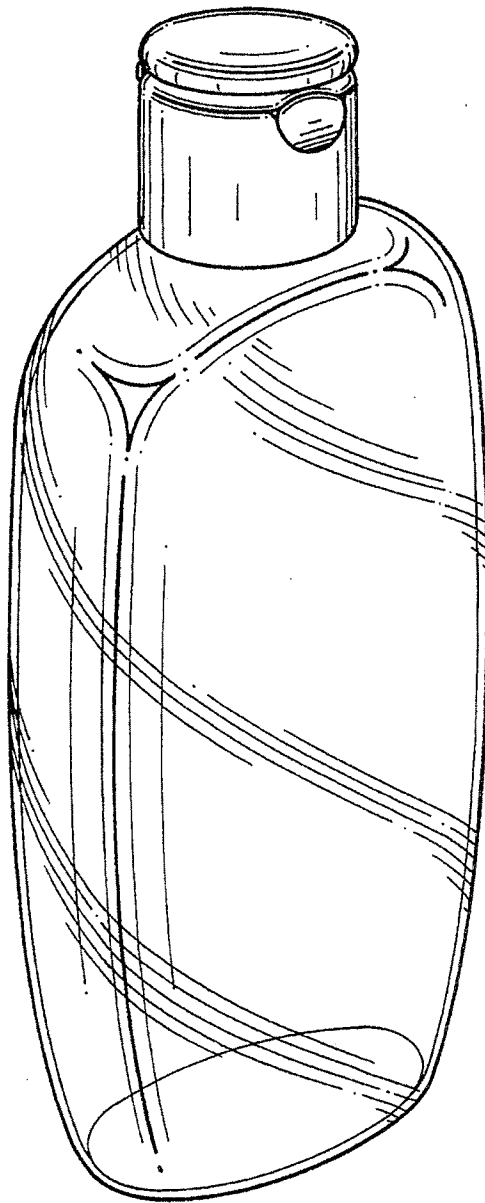


FIG-7





US00D437559S

(12) **United States Design Patent** (10) Patent No.: **US D437,559 S**
Fenton et al. (45) Date of Patent: **** Feb. 13, 2001**

(54) **BOTTLE**

(75) Inventors: **Russell Rowan Fenton; Elmer (Chuck) H. Goss**, both of East Amherst, NY (US)

(73) Assignee: **FWJ Plastic Packaging, Inc.**, Getzville, NY (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/124,416**

(22) Filed: **Jun. 6, 2000**

(51) LOC (7) Cl. **09-01**

(52) U.S. Cl. **D9/558**

(58) Field of Search 29/558, 574, 447, 29/449, 571, 544, 545; 215/283-285

(56) **References Cited**

U.S. PATENT DOCUMENTS

D. 349,857 * 8/1994 Lonczak et al. D9/558

D. 357,418 * 4/1995 Lonczak et al. D9/558
D. 376,320 * 12/1996 Lathrop et al. D9/558
D. 382,209 * 8/1997 Fenton et al. D9/558

* cited by examiner

Primary Examiner—Mitchell Siegel

(74) *Attorney, Agent, or Firm*—Harpman & Harpman

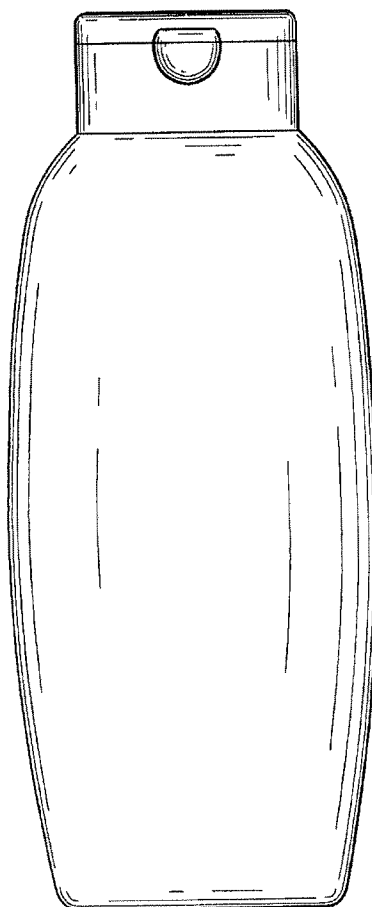
(57) **CLAIM**

The ornamental design for a bottle, as shown and described.

DESCRIPTION

FIG. 1 is a front elevation thereof;
FIG. 2 is a right side elevational view thereof;
FIG. 3 is a rear elevation thereof;
FIG. 4 is a left side elevational view thereof;
FIG. 5 is a top plan view thereof; and,
FIG. 6 is a bottom plan view thereof.

1 Claim, 3 Drawing Sheets



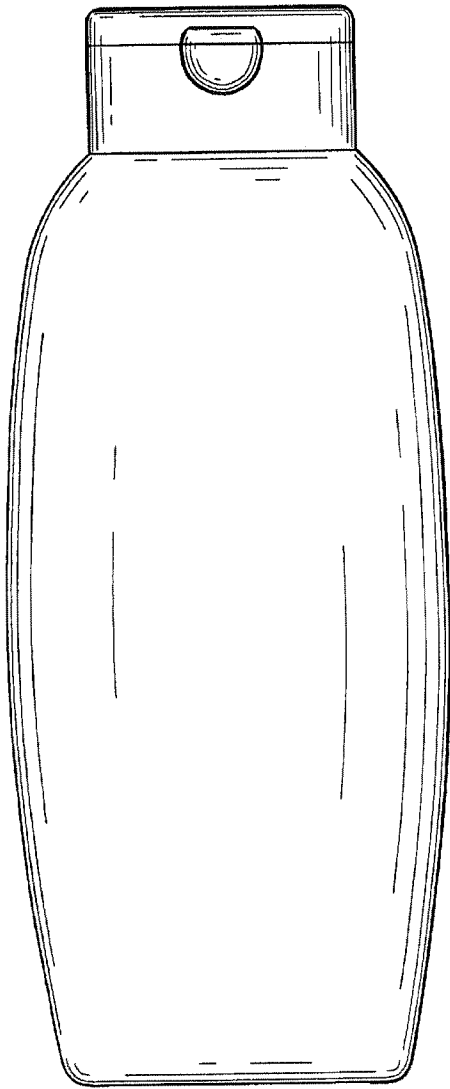


FIG. 1

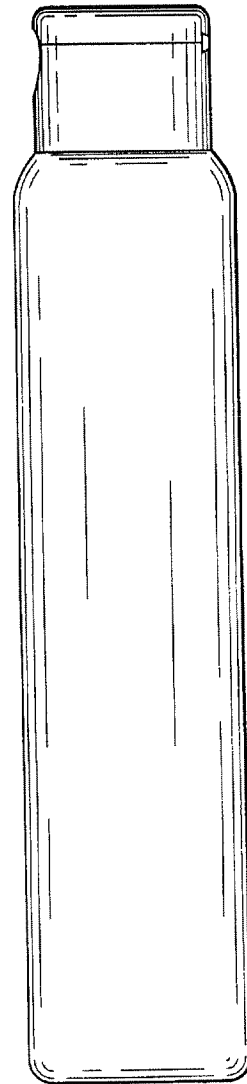


FIG. 2

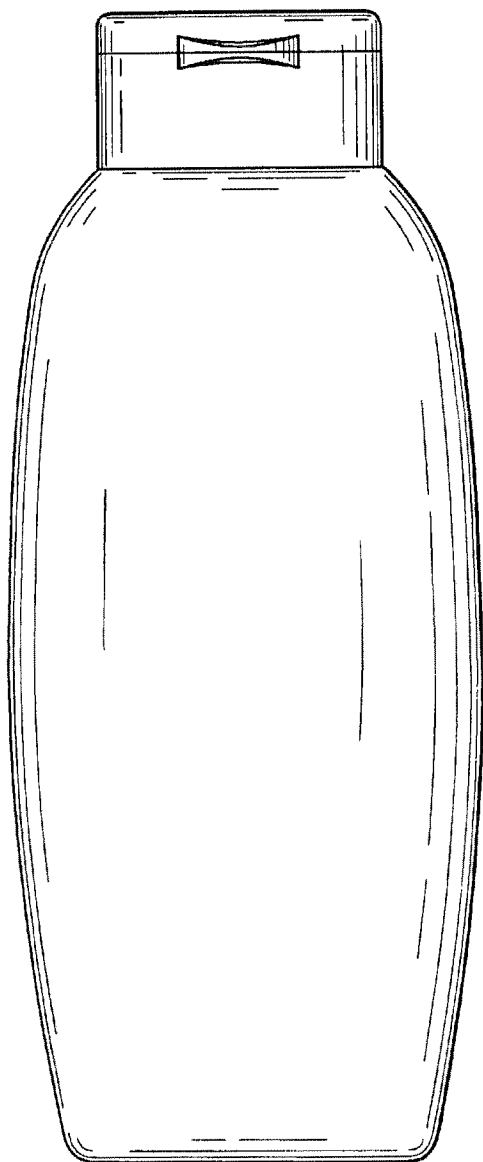


FIG. 3

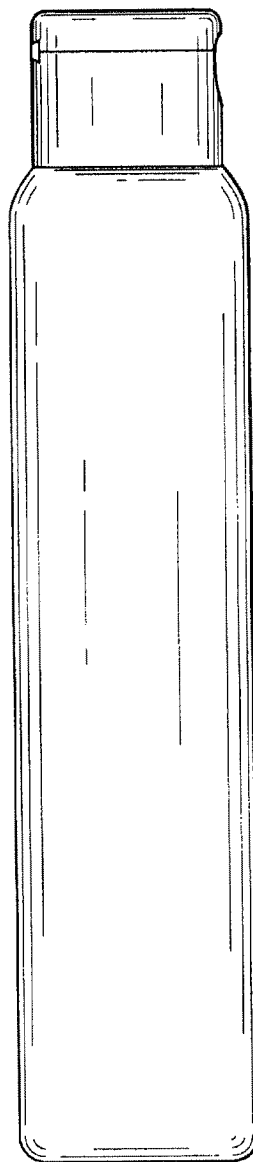


FIG. 4

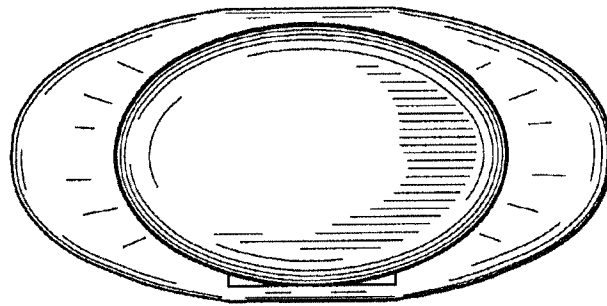


FIG. 5

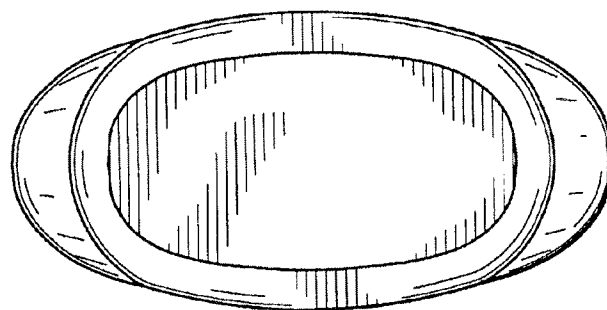


FIG. 6



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Goods and Services IC 021. US 002 050. G & S: plastic bottles sold empty. FIRST USE: 19830000. FIRST USE IN COMMERCE: 19830000

Mark Drawing Code (2) DESIGN ONLY

Design Search Code 19.09.03 - Bottles, jars or flasks with straight, vertical sides; Flasks with straight or vertical sides; Jars with straight or vertical sides

Serial Number 74192059

Filing Date August 6, 1991

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition March 23, 1993

Registration Number 1776570

Registration Date June 15, 1993

Owner (REGISTRANT) Drug Plastics & Glass Company, Inc. CORPORATION PENNSYLVANIA One Bottle Drive Boyertown PENNSYLVANIA 19512

Attorney of Record JORDAN A LAVINE

Description of Mark The mark consists of the shoulder portion of the bottle and the portion of the bottle above the shoulder, excluding the neck of the bottle to which a cap can be applied. The dotted lines in the drawing indicate matter that is not part of the mark which serve only to indicate the relative position of the mark. The shading in the drawing is a feature of the mark showing dimension and does not indicate color.

Type of Mark TRADEMARK

Register PRINCIPAL-2(F)

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20030212.

Renewal 1ST RENEWAL 20030212

Live/Dead Indicator LIVE

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Serial Number: 74192059 Assignment Information

Registration Number: 1776570

Mark



Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2003-02-12

Filing Date: 1991-08-06

Transformed into a National Application: No

Registration Date: 1993-06-15

Register: Principal

Law Office Assigned: LAW OFFICE 6

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2003-02-13

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Drug Plastics & Glass Company, Inc.

Address:

Drug Plastics & Glass Company, Inc.
One Bottle Drive
Boyertown, PA 19512
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Pennsylvania

GOODS AND/OR SERVICES

International Class: 021

Class Status: Active

plastic bottles sold empty

Basis: 1(a)

First Use Date: 1983-00-00

First Use in Commerce Date: 1983-00-00

ADDITIONAL INFORMATION

Description of Mark: The mark consists of the shoulder portion of the bottle and the portion of the bottle above the shoulder, excluding the neck of the bottle to which a cap can be applied. The dotted lines in the drawing indicate matter that is not part of the mark which serve only to indicate the relative position of the mark.

Lining and Stippling: The shading in the drawing is a feature of the mark showing dimension and does not indicate color.

Section 2(f)**Design Search Code(s):**

19.09.03 - Bottles, jars or flasks with straight, vertical sides; Flasks with straight or vertical sides; Jars with straight or vertical sides

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2003-02-12 - First renewal 10 year

2003-02-12 - Section 8 (10-year) accepted/ Section 9 granted

2003-02-06 - Post Registration action mailed Sections 8 & 9

2002-10-21 - Combined Section 8 (10-year)/Section 9 filed

2002-10-21 - Section 9 filed/check record for Section 8

2002-10-21 - PAPER RECEIVED

1998-09-23 - Section 8 (6-year) accepted & Section 15 acknowledged

1998-06-29 - Section 8 (6-year) and Section 15 Filed

1993-06-15 - Registered - Principal Register

1993-03-23 - Published for opposition

1993-02-19 - Notice of publication

1993-01-11 - Approved for Pub - Principal Register (Initial exam)

1992-12-21 - Examiner's amendment mailed

1992-11-23 - Communication received from applicant

1992-07-27 - Non-final action mailed

1992-05-25 - Communication received from applicant

1991-11-25 - Non-final action mailed

1991-11-08 - Assigned To Examiner

CORRESPONDENCE INFORMATION

Correspondent

JORDAN A LAVINE (Attorney of record)

JORDAN A LAVINE
AKIN GUMP STRAUSS HAUER & FELD LLP
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Goods and Services IC 032. US 045 046 048. G & S: NATURAL, SPRING AND ARTESIAN WATER FOR DRINKING. FIRST USE: 19970516. FIRST USE IN COMMERCE: 19970517

Mark Drawing Code (2) DESIGN ONLY

Design Search Code 19.09.03 - Bottles, jars or flasks with straight, vertical sides; Flasks with straight or vertical sides; Jars with straight or vertical sides
19.09.25 - Other bottles, jars or flasks

Serial Number 76162286

Filing Date November 10, 2000

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition September 28, 2004

Registration Number 2911918

Registration Date December 21, 2004

Owner (REGISTRANT) Natural Waters of Viti, Ltd. CORPORATION FIJI P.O. Box 4 Aspen COLORADO 81612

(LAST LISTED OWNER) PARAMOUNT INTERNATIONAL EXPORT, LTD. A CAYMAN ISLANDS COMPANY LIMITED SHARES CAYMAN ISLANDS 11444 W. OLYMPIC BLVD., 10TH FL. LOS ANGELES CALIFORNIA 90064

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Dana Hartje Cardwell

Prior Registrations 2286974

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE the representation of the shape of the bottle cap APART FROM THE MARK AS SHOWN

Description of Mark The mark consists of a configuration of a bottle and cap. The bottle and cap are depicted in solid lines and are part of the mark. The cap is lined for the color blue.

Type of Mark TRADEMARK

Register PRINCIPAL-2(F)

Live/Dead Indicator LIVE

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Serial Number: 76162286 Assignment Information

Registration Number: 2911918

Mark



Standard Character claim: No

Current Status: Registered.

Date of Status: 2004-12-21

Filing Date: 2000-11-10

Transformed into a National Application: No

Registration Date: 2004-12-21

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2004-12-21

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. PARAMOUNT INTERNATIONAL EXPORT, LTD.

Address:

PARAMOUNT INTERNATIONAL EXPORT, LTD.
11444 W. OLYMPIC BLVD., 10TH FL.
LOS ANGELES, CA 90064
United States

Legal Entity Type: A CAYMAN ISLANDS COMPANY LIMITED SHARES

State or Country Where Organized: Cayman Islands

GOODS AND/OR SERVICES

International Class: 032

Class Status: Active

NATURAL, SPRING AND ARTESIAN WATER FOR DRINKING

Basis: 1(a)

First Use Date: 1997-05-16

First Use in Commerce Date: 1997-05-17

ADDITIONAL INFORMATION

Disclaimer: the representation of the shape of the bottle cap

Description of Mark: The mark consists of a configuration of a bottle and cap. The bottle and cap are depicted in solid lines and are part of the mark.

Lining and Stippling: The cap is lined for the color blue.

Section 2(f)

Design Search Code(s):

19.09.03 - Bottles, jars or flasks with straight, vertical sides; Flasks with straight or vertical sides; Jars with straight or vertical sides

19.09.25 - Other bottles, jars or flasks

Prior Registration Number(s):

2286974

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-05-10 - Automatic Update Of Assignment Of Ownership

2004-12-21 - Registered - Principal Register

2004-09-28 - Published for opposition

2004-09-08 - Notice of publication

2004-07-28 - Law Office Publication Review Completed

2004-07-28 - Assigned To LIE

2004-07-26 - Approved for Pub - Principal Register (Initial exam)

2004-04-06 - Communication received from applicant

2004-04-27 - Case File In TICRS

2004-04-06 - PAPER RECEIVED

2003-10-09 - Non-final action mailed

2003-04-03 - Communication received from applicant

2003-04-07 - PAPER RECEIVED

2002-10-03 - Non-final action mailed

2002-06-10 - Assigned To Examiner

2001-11-19 - Communication received from applicant

2001-08-13 - Non-final action mailed

2001-06-21 - Assigned To Examiner

2001-05-16 - Assigned To Examiner

2001-03-27 - Assigned To Examiner

CORRESPONDENCE INFORMATION

Correspondent

Dana Hartje Cardwell (Attorney of record)

DANA HARTJE CARDWELL

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=76162286>

9/20/2006

SHERIDAN ROSS P C
1560 BROADWAY STE 1200
DENVER CO 80202-5145



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Goods and Services (CANCELLED) IC 032. US 045 046 048. G & S: use as a container for flavored and unflavored water. FIRST USE: 19960301. FIRST USE IN COMMERCE: 19960301

Mark Drawing Code (2) DESIGN ONLY

Design Search Code 19.09.04 - Bottles, jars or flasks with concave sides; Flasks with concave sides; Jars with concave sides

Serial Number 75164176

Filing Date September 11, 1996

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition May 26, 1998

Registration Number 2181774

Registration Date August 18, 1998

Owner (REGISTRANT) Talking Rain Beverage Co. Inc. CORPORATION WASHINGTON 30520 Southeast 84th Preston WASHINGTON 98050

Attorney of Record JAMES R UHLIR

Description of Mark The mark consists of the configuration of a beverage bottle. The dotted outline of the cap is not part of the mark is merely intended to represent the bottle as viewed on the shelf.

Type of Mark TRADEMARK

Register PRINCIPAL-2(F)

Live/Dead Indicator DEAD

Cancellation Date May 21, 2005

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Serial Number: 75164176 Assignment Information

Registration Number: 2181774

Mark



Standard Character claim: No

Current Status: Registration canceled under Section 8.

Date of Status: 2005-05-21

Filing Date: 1996-09-11

Transformed into a National Application: No

Registration Date: 1998-08-18

Register: Principal

Law Office Assigned: LAW OFFICE 101

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2001-04-23

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Talking Rain Beverage Co. Inc.

Address:

Talking Rain Beverage Co. Inc.
30520 Southeast 84th
Preston, WA 98050
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Washington

GOODS AND/OR SERVICES

International Class: 032

Class Status: Section 8 - Cancelled
use as a container for flavored and unflavored water

Basis: 1(a)

First Use Date: 1996-03-01

First Use in Commerce Date: 1996-03-01

ADDITIONAL INFORMATION

Description of Mark: The mark consists of the configuration of a beverage bottle. The dotted outline of the cap is not part of the mark is merely intended to represent the bottle as viewed on the shelf.

Section 2(f)**Design Search Code(s):**

19.09.04 - Bottles, jars or flasks with concave sides; Flasks with concave sides; Jars with concave sides

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-05-21 - Canceled Section 8 (6-year)

1998-08-18 - Registered - Principal Register

1998-05-26 - Published for opposition

1998-04-24 - Notice of publication

1998-02-27 - Approved for Pub - Principal Register (Initial exam)

1997-10-20 - Communication received from applicant

1997-10-14 - Communication received from applicant

1997-04-14 - Non-final action mailed

1997-03-17 - Assigned To Examiner

CORRESPONDENCE INFORMATION

Correspondent

JAMES R UHLIR (Attorney of record)

JAMES R UHLIR
CHRISTENSEN O'CONNOR JOHNSON & KINDNESS
1420 FIFTH AVENUE SUITE 2800
SEATTLE WA 98101-2347



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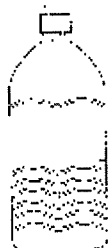
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| | |
|---------------------------------|---|
| Goods and Services | IC 032. US 045 046 048. G & S: BOTTLED SPRING WATER. FIRST USE: 19970101. FIRST USE IN COMMERCE: 19970101 |
| Mark Drawing Code | (2) DESIGN ONLY |
| Design Search Code | 19.09.03 - Bottles, jars or flasks with straight, vertical sides; Flasks with straight or vertical sides; Jars with straight or vertical sides |
| Serial Number | 75509018 |
| Filing Date | June 25, 1998 |
| Current Filing Basis | 1A |
| Original Filing Basis | 1A |
| Published for Opposition | September 12, 2000 |
| Registration Number | 2409809 |
| Registration Date | December 5, 2000 |
| Owner | (REGISTRANT) AVALON BEVERAGE COMPANY CORPORATION VIRGINIA P.O. Box 5457 Glen Allen VIRGINIA 230585457 |
| Attorney of Record | FRANCIS T. ECK |
| Description of Mark | The mark consists of the shape of the container of the goods. The lining shown in the drawing is a feature of the mark and is not intended to indicate color. |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |

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Serial Number: 75509018 Assignment Information

Registration Number: 2409809

Mark



Standard Character claim: No

Current Status: Registered.

Date of Status: 2000-12-05

Filing Date: 1998-06-25

Transformed into a National Application: No

Registration Date: 2000-12-05

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2006-07-27

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. AVALON BEVERAGE COMPANY

Address:

AVALON BEVERAGE COMPANY

P.O. Box 5457

Glen Allen, VA 230585457

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Virginia

GOODS AND/OR SERVICES

International Class: 032

Class Status: Active

BOTTLED SPRING WATER

Basis: 1(a)

First Use Date: 1997-01-01

First Use in Commerce Date: 1997-01-01

ADDITIONAL INFORMATION

Description of Mark: The mark consists of the shape of the container of the goods.

Lining and Stippling: The lining shown in the drawing is a feature of the mark and is not intended to indicate color.

Design Search Code(s):

19.09.03 - Bottles, jars or flasks with straight, vertical sides; Flasks with straight or vertical sides; Jars with straight or vertical sides

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-07-27 - Case File In TICRS

2000-12-05 - Registered - Principal Register

2000-09-12 - Published for opposition

2000-08-11 - Notice of publication

2000-06-06 - Approved for Pub - Principal Register (Initial exam)

1999-12-08 - Communication received from applicant

1999-07-29 - Non-final action mailed

1999-04-30 - Communication received from applicant

1998-11-20 - Non-final action mailed

1998-09-24 - Assigned To Examiner

1998-09-24 - Assigned To Examiner

CORRESPONDENCE INFORMATION

Correspondent

FRANCIS T. ECK (Attorney of record)

FRANCIS T. ECK
ECK LEWIS ANDERSON & COLLINS
16 S 2ND ST
RICHMOND VA 23219-3723



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Word Mark JÄGERMEISTER

Translations The English translation of the term "JAGERMEISTER" is "MASTER OF THE HUNT".

Goods and Services IC 033. US 047 049. G & S: Alcoholic spirits, namely, distilled spirits, alcoholic bitters and herbal liqueurs

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 19.09.03 - Bottles, jars or flasks with straight, vertical sides; Flasks with straight or vertical sides; Jars with straight or vertical sides

Serial Number 79000949

Filing Date January 26, 2004

Current Filing Basis 66A

Original Filing Basis 66A

Published for Opposition April 26, 2005

Registration Number 2970791

International Registration Number 0717647

Registration Date July 19, 2005

Owner (REGISTRANT) Mast-Jägermeister AG CORPORATION FED REP GERMANY Jägermeisterstrasse 7-15 D-38296 Wolfenbüttel FED REP GERMANY

Attorney of Record DAVID TOREN

Prior Registrations 0857604;1952558;2824183;AND OTHERS

Description of Mark The color(s) green is/are claimed as a feature of the mark. The color green appears in the bottle configuration portion of the mark. The mark consists of the configuration of the bottle container for the goods, having indented sides with the name "JAGERMEISTER" embossed on the sides of the bottle thereon.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Exhibit 16-Opposition No. 91165809,
TriForest Enterprises, Inc. v. Nalge Nunc
International Corporation, offered by Nalge
Nunc International Corporation



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| | |
|---------------------------------|---|
| Goods and Services | IC 030. US 046. G & S: sauce for use with foods. FIRST USE: 19891231. FIRST USE IN COMMERCE: 19891231 |
| Mark Drawing Code | (2) DESIGN ONLY |
| Design Search Code | 19.09.03 - Bottles, jars or flasks with straight, vertical sides; Flasks with straight or vertical sides; Jars with straight or vertical sides |
| Serial Number | 78204394 |
| Filing Date | January 17, 2003 |
| Current Filing Basis | 1A |
| Original Filing Basis | 1A |
| Published for Opposition | April 13, 2004 |
| Registration Number | 2860078 |
| Registration Date | July 6, 2004 |
| Owner | (REGISTRANT) Jose Cuervo, S.A. de C.V. CORPORATION MEXICO Guillermo Gonzalez Camarena #800 ZedecSanta Fe, Delegacion A. Obregon Mexico, D.F. MEXICO C.P.01210 |
| Attorney of Record | LAWRENCE E ABELMAN |
| Description of Mark | The mark consists of the representation of a bottle. |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL-2(F) |
| Live/Dead Indicator | LIVE |

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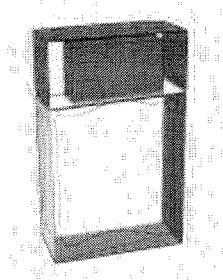
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Goods and Services IC 003. US 001 004 006 050 051 052. G & S: PERFUMES; COLOGNES. FIRST USE: 20020300. FIRST USE IN COMMERCE: 20020300

Mark Drawing Code (2) DESIGN ONLY

Design Search Code 19.09.03 - Bottles, jars or flasks with straight, vertical sides; Flasks with straight or vertical sides; Jars with straight or vertical sides
 19.09.25 - Other bottles, jars or flasks
 19.11.01 - Bottle caps; Caps, bottle; Corks (bottle stoppers); Lids; Stoppers, bottle
 26.11.21 - Rectangles that are completely or partially shaded
 26.11.28 - Miscellaneous designs with overall rectangular shape; Rectangular shapes (miscellaneous overall shape)
 26.17.25 - Other lines, bands or bars

Serial Number 76570894

Filing Date January 16, 2004

Current Filing Basis 1A

Original Filing Basis 1A

Supplemental Register Date October 11, 2005

Registration Number 3036891

Registration Date December 27, 2005

Owner (REGISTRANT) CAROLINA HERRERA LTD. CORPORATION DELAWARE 501 Seventh Avenue New York NEW YORK 10018

Attorney of Record Brooks R. Bruneau

Description of Mark The colors red, pink, purple and orange are claimed as a feature of the mark. The color red appears on the internal rectangle box within the rectangle shaped cap section. The color transparent red appears on the top and exterior side panels of the rectangle shaped cap. The color transparent pink appears on both exterior side panels to the product container below the rectangle shaped cap, and the left hand interior side panel from the bottom of the product container up to the top of rectangle shaped cap. The color transparent purple appears on the right hand interior side panel surface, from the bottom of the product container up to the top of the rectangle shaped cap. The color orange appears on the bottom panel of the product container. The mark consists of product packaging in the form of a three-dimensional rectangle bottle presented in broken lines, in which the top portion represents a rectangle shaped cap presented in broken lines with an internal rectangle box that is opaque red. The bottom portion of the three-dimensional rectangle contains an internal chamber with wavy sides. The front and back surfaces of three-dimensional rectangle are clear; the bottom surface is transparent orange; both exterior side panel surfaces below the rectangle shaped cap are transparent pink; the top and exterior side panels of the cap are transparent red; the left hand interior side panel surface, from the bottom of the product container up to the top of the rectangle shaped cap, is transparent pink; the right hand interior side panel surface, from the bottom of the product container up to the top of the rectangle shaped cap, is transparent purple.

Type of Mark TRADEMARK

Register SUPPLEMENTAL

Live/Dead Indicator LIVE

Exhibit 18-Opposition No. 91165809,
 TriForest Enterprises, Inc. v. Nalge Nunc
 International Corporation, offered by Nalge
 Nunc International Corporation

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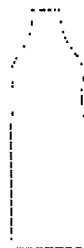
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| | |
|--------------------------|--|
| Goods and Services | IC 029. US 046. G & S: olive oil. FIRST USE: 19830000. FIRST USE IN COMMERCE: 19900611 |
| Mark Drawing Code | (2) DESIGN ONLY |
| Design Search Code | 19.09.03 - Bottles, jars or flasks with straight, vertical sides; Flasks with straight or vertical sides; Jars with straight or vertical sides |
| Serial Number | 76463633 |
| Filing Date | November 1, 2002 |
| Current Filing Basis | 1A |
| Original Filing Basis | 1A |
| Published for Opposition | November 4, 2003 |
| Registration Number | 2808073 |
| Registration Date | January 27, 2004 |
| Owner | (REGISTRANT) DOMENICO MANCA S.p.A. CORPORATION ITALY Via Carrabuffas C.P. 56 - 07041 Alghero ITALY |
| Attorney of Record | Wendy K. Marsh |
| Prior Registrations | 1755557 |
| Description of Mark | The mark consists of the configuration of a bottle with a cap and concave sides. |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL-2(F) |
| Live/Dead Indicator | LIVE |

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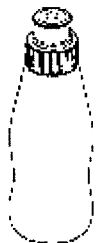
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Goods and Services IC 032. US 045 046 048. G & S: mineral and aerated waters and other non-alcoholic drinks, namely, fruit drinks and fruit based drinks; fruit juices; syrups and other preparations for making beverages, namely fruit based drinks. FIRST USE: 19990930. FIRST USE IN COMMERCE: 20020916

Mark Drawing Code (2) DESIGN ONLY

Design Search Code 19.09.02 - Bottles, jars or flasks with bulging, protruding or rounded sides; Flasks with bulging or protruding sides; Jars with bulging or protruding sides

Serial Number 76301523

Filing Date August 20, 2001

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition September 24, 2002

Supplemental Register Date January 20, 2005

Registration Number 2953774

Registration Date May 17, 2005

Owner (REGISTRANT) Australiana Group Holdings Pty Ltd. CORPORATION AUSTRALIA 21 Oxford Street Northcote Vic., 3070 AUSTRALIA

Attorney of Record Lawrence E. Abelman

Type of Mark TRADEMARK

Register SUPPLEMENTAL

Live/Dead Indicator LIVE

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Exhibit 20-Opposition No. 91165809,
TriForest Enterprises, Inc. v. Nalge Nunc
International Corporation, offered by Nalge
Nunc International Corporation



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TARR Status**ASSIGN Status****TDR****TTAB Status**

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**Goods and Services**

IC 033. US 047 049. G & S: Alcoholic beverages, namely distilled spirits. FIRST USE: 19340000. FIRST USE IN COMMERCE: 19340000

Mark Drawing Code

(2) DESIGN ONLY

Design Search Code
 19.09.01 - Bottles, jars or flasks of conical or triangular shape; Flasks with conical or triangular shape ; Jars with conical or triangular shape
 26.11.01 - Rectangles as carriers or rectangles as single or multiple line borders
 26.11.25 - Rectangles with one or more curved sides
 26.19.02 - Cylinders (geometric)
Serial Number

76202503

Filing Date

January 29, 2001

Current Filing Basis

1A

Original Filing Basis

1A

Published for Opposition

June 18, 2002

Registration Number

2617158

Registration Date

September 10, 2002

Owner

(REGISTRANT) Southern Comfort Properties, Inc. CORPORATION CALIFORNIA 4040 Civic Center Drive, Suite 528 San Rafael CALIFORNIA 94903

Attorney of Record

David S Gooder

Description of Mark

The mark consists of a configuration of a bottle for the goods with raised vertical ribs around the shoulder of the bottle, and around the foot of the bottle.

Type of Mark

TRADEMARK

Register

PRINCIPAL-2(F)

Live/Dead Indicator

LIVE

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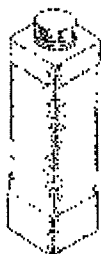
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Goods and Services IC 032. US 045 046 048. G & S: fruit juice. FIRST USE: 19860319. FIRST USE IN COMMERCE: 19860319

Mark Drawing Code (2) DESIGN ONLY

Design Search Code 19.09.06 - Bottles, jars or flasks with ribbing or other surface relief; Flasks with ribbing or other surface relief; Jars with ribbing or other surface relief

Serial Number 75260888

Filing Date March 20, 1997

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition June 8, 1999

Registration Number 2273300

Registration Date August 31, 1999

Owner (REGISTRANT) Fresh Juice Company, Inc., The CORPORATION NEW YORK 350 Northern Boulevard Great Neck NEW YORK 11021

Assignment Recorded ASSIGNMENT RECORDED

Description of Mark The mark consists of a configuration of a bottle with squared off corners. The ribbed cap depicted is depicted in dotted lines and is not part of the mark. The stippling is for shading purposes only.

Type of Mark TRADEMARK

Register PRINCIPAL-2(F)

Live/Dead Indicator LIVE

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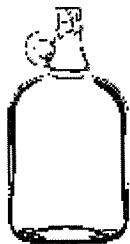
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Goods and Services
Mark Drawing Code
Design Search Code

IC 030. US 046. G & S: Vinegar. FIRST USE: 19991123. FIRST USE IN COMMERCE: 19991123

(2) DESIGN ONLY

19.09.01 - Bottles, jars or flasks of conical or triangular shape; Flasks with conical or triangular shape ; Jars with conical or triangular shape
19.09.02 - Bottles, jars or flasks with bulging, protruding or rounded sides; Flasks with bulging or protruding sides; Jars with bulging or protruding sides
19.09.03 - Bottles, jars or flasks with straight, vertical sides; Flasks with straight or vertical sides; Jars with straight or vertical sides
19.09.07 - Jugs; Milk jugs
19.11.01 - Bottle caps; Caps, bottle; Corks (bottle stoppers); Lids; Stoppers, bottle

Serial Number
Filing Date
Current Filing Basis
Original Filing Basis
Supplemental Register Date
Registration Number
Registration Date
Owner
Attorney of Record
Description of Mark
Type of Mark
Register
Live/Dead Indicator

75902927

January 26, 2000

1A

1A

October 16, 2000

2491602

September 18, 2001

(REGISTRANT) Lettieri & Co. Ltd. CORPORATION CALIFORNIA 410 E. Grand Avenue South San Francisco CALIFORNIA 94080

THOMAS W. COOK

The mark consists of a configuration of a bottle with a folded paper top used as a container for vinegar. The lining in the drawing is for shading purposes.

TRADEMARK

SUPPLEMENTAL

LIVE

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